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David Perry

Book

3

C. F. Helm

David

Perry

David Perry

My dear Sir

Thank you for

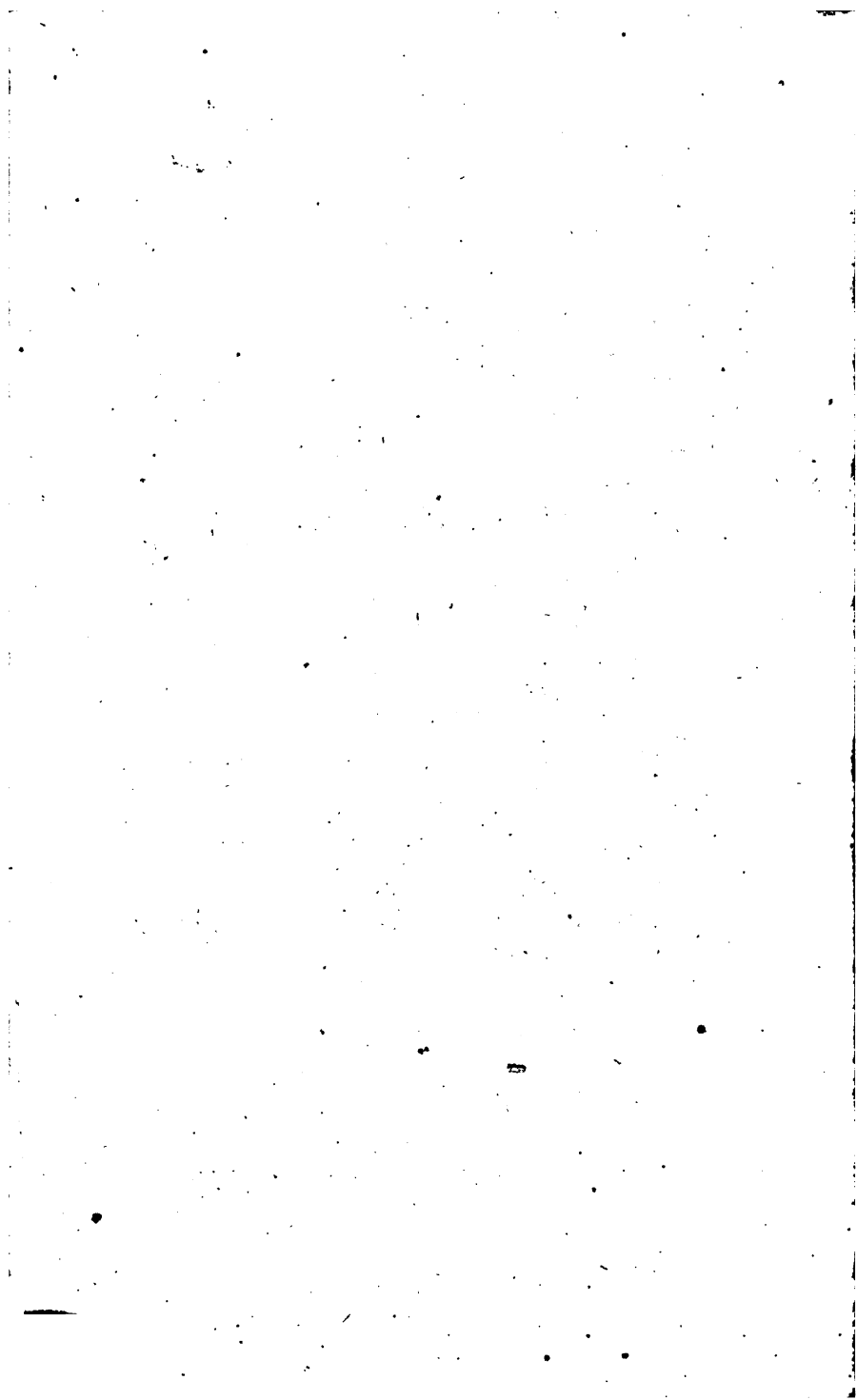
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of the 10th

and am

Kentucky Collections

C. J. Helm,
Editor



David ACTS *Perry*

PASSED AT THE FIRST SESSION

David OF THE *Perry*

THIRTIETH GENERAL ASSEMBLY

FOR THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MON-
DAY THE FIFTEENTH DAY OF OCTOBER 1821, AND OF THE
COMMONWEALTH THE THIRTIETH.

JOHN ADAIR, GOVERNOR.

PUBLISHED BY AUTHORITY.

FRANKFORT:

PRINTED BY KENDALL AND RUSSELL,

PRINTERS FOR THE STATE.

1821.

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CONTENTS.

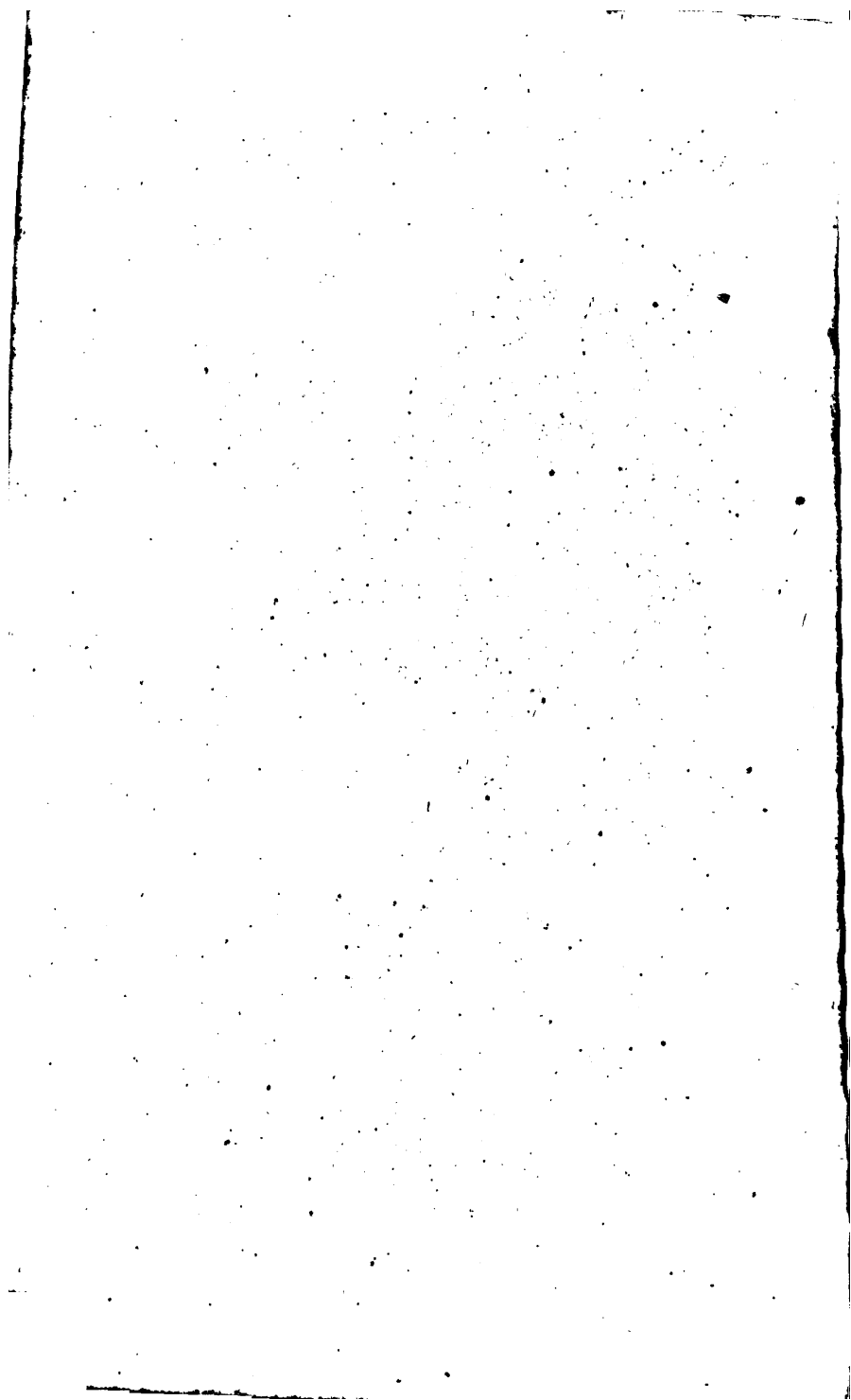
	Page.		Page.
AN ACT declaring part of Floyd's Fork navigable,	243	certain advertisements in the Emporium and Commercial Advertiser,	253
To authorise the editors of cer- tain newspapers to insert in their papers certain adver- tisements,	<i>Id.</i>	For the benefit of John White and Sally Henderson,	<i>Id.</i>
Giving the judge of the 13th Judicial District further time to move into and reside in the same,	244	For the benefit of Margaret Watson,	254
For the benefit of Paul Dur- rett, of Montgomery county,	<i>Id.</i>	Providing for the safe-keeping of the stationary and furni- ture belonging to the legis- lature,	255
To authorise the citizens of Springfield to elect trustees for said town,	245	For the benefit of John A. Tar- ascon,	<i>Id.</i>
To amend an act entitled "an act to establish a turnpike by the way of Williamsburg, in Whitley county,	<i>Id.</i>	To extend the limits of the town of Morganfield,	257
To allow an additional number of justices of the peace to certain counties,	246	Declaring the North Fork of Kentucky river a navigable stream, and for other purpo- ses,	258
Allowing further time to the county court of Henry to make and return their lists of taxable property for the year 1821,	<i>Id.</i>	Concerning the county court of Nelson,	259
To authorise the appointment of an additional number of Constables in certain Coun- ties,	247	For the benefit of the sheriff of Monroe county,	<i>Id.</i>
Further to regulate the pay- ment of the debt due the commonwealth for the sale of vacant lands,	248	To authorise the editors of the Republican Orbit, a newspa- per printed in Cynthiana, to insert certain advertise- ments,	260
Further to indulge the settlers on the lands acquired by the treaty of Tellico,	<i>Id.</i>	For the benefit of Polly Simp- son, and her children.	<i>Id.</i>
To change the place of holding elections in the eastern pre- cinct in Hardin county,	249	To amend the several acts con- cerning the town of Louis- ville,	261
To establish a seminary of learn- ing in the county of Hart,	<i>Id.</i>	Authorising Richard L. Walker and Nathan Harris to erect a Mill Dam across Rough Creek in Ohio County,	<i>Id.</i>
For the benefit of the widow and heirs of Isaac Howdy- shelt, deceased,	252	To amend the law regulating attachments	262
To authorise the insertion of		For the benefit of Solomon Griffin and the heirs of Cath- erine Smith,	<i>Id.</i>
		To alter the mode of admitting persons to bail under writs of Habeas Corpus,	263
		For the benefit of the heirs of Turner Morhead and Law-	

rence Owen,	24	For the relief of Nancy Garth,	287
Authorising and directing the county court of Bourbon to open and keep in repair a certain road,	265	Authorising an appropriation of money to the President & Managers of the Louisville Hospital,	288
To establish the line lately run between the states of Tennessee and Kentucky,	266	To remove the seat of Justice of Owen county,	<i>Ib.</i>
For the benefit of the heirs of Roger Robins, deceased,	267	For the benefit of the sheriff of Caldwell county,	292
For the benefit of the heirs of David C. Irvine, deceased,	268	To legalize the proceedings of the Floyd county court,	293
Authorising the insertion of advertisements in certain newspapers,	269	Authorising the keeper of the Penitentiary to build a Smoke House,	<i>Ib.</i>
For the benefit of Ansel Wilhoit,	<i>Ib.</i>	For the benefit of the heirs of Patrick H. Rice,	294
Appointing Trustees for the town of Boonsborough and for other purposes,	270	Authorising the Keepers of Turnpike gates to take up stays,	295
For the benefit of Mary McCasland, formerly the wife and widow of Abel Channonhouse, deceased,	272	For the relief of certain Sheriffs,	<i>Ib.</i>
For the benefit of the wife and children of Benjamin Hernon,	273	To change the March term of the Madison Circuit Court,	297
For the benefit of Hardy Weatherspoon,	274	To increase and regulate the Judicial Districts,	<i>Ib.</i>
To amend the act reserving certain property from execution,	275	To prevent Horse racing on the Public Highways,	299
To prevent any further subscriptions on the part of the state for Bank Stock,	<i>Ib.</i>	To alter and fix the terms of the Jefferson Circuit Court and for other purposes,	<i>Ib.</i>
Concerning the Seminaries in the counties of Monroe, Perry, Jefferson and Simpson,	276	For the benefit of Polly Power,	300
To establish Election Precincts in certain counties,	277	To amend an act entitled an act to amend an act directing certain surveyors to transcribe certain entry books,	301
To amend an act entitled an act to establish the county of Perry,	280	To revive the law providing for the appointment of Commonwealth's attorneys,	<i>Ib.</i>
Concerning the towns of Madisonville and North Middletown,	283	Concerning the qualification of the President and Directors of the Bank of Kentucky, on the part of the state,	302
For the relief of the Sheriffs of Green and Monroe Counties,	284	To amend an act entitled an act for the benefit of Daniel Traubue and others,	<i>Ib.</i>
For the benefit of Jesse Walker,	285	To regulate appeals from Justices of the peace to the county courts,	303
For the divorce of William Spangler, Samuel Campbell and Elizabeth Wells,	<i>Ib.</i>	For the benefit of Jesse Walker and others,	305
To amend the act more effectually to suppress the practice of duelling,	28	To add part of Logan county to the county Todd,	306
Declaring Big Barren River further navigable,	<i>Ib.</i>	For the benefit of Samuel Simpson and others,	307
		For the benefit of the heirs of Stephen Rossel, deceased,	308
		For the benefit of the Clerks of the Circuit and county	

courts of Cumberland and Estill and the surveyor of Casey,	310	of Mason and Rockcastle,	373
To authorize the County Court of Henderson to sell one acre of the public square in the town of Henderson,	311	For the benefit of Polly Martin,	<i>Id.</i>
For the benefit of Polly Parker and Children, and for other purposes,	<i>Id.</i>	For the benefit of Joel Morrison,	324
To extend the limits of the Town of Princeton, to equalize the proceedings of the Trustees thereof, and give them additional powers, and for other purposes,	312	To alter the place of holding elections in the Eagle precinct in the county of Gallatin, and the Walnut Grove precinct in Mercer county,	<i>Id.</i>
To amend an act establishing a Seminary in Rockcastle county and for other purposes,	313	For the relief of the Sheriff of Shelby county,	325
To encourage the publication of a Digest of the Statute Law of Kentucky,	314	For the benefit of Richard Clark and Samuel Curswell,	326
Making compensation for the Surveyor and others employed on the part of this state for running and marking the boundary line between the states of Kentucky and Tennessee,	316	For the benefit of the heirs of James McKnight,	<i>Id.</i>
For the benefit of the heirs of Abraham Carter, deceased,	317	To legalize the proceedings of the Nelson county court at their November term, 1821,	328
For the relief of the widow and heirs of George Chism, deceased,	318	To regulate the Bath Seminary in Bath county,	<i>Id.</i>
Authorising the Register to perform certain duties,	319	For the benefit of the Sheriffs of Wayne and Campbell counties,	331
To alter and amend the fifth section of an act entitled an act to amend and reduce into one the several acts, regulating Middleton in Jefferson county,	320	Forming the county of Lawrence out of parts of the counties of Greenup and Floyd,	332
To alter and change the name of Marysville in Harrison county,	<i>Id.</i>	For the benefit of Samuel Lewis and others,	335
To amend the act incorporating the Shareholders and Directors of the Lexington Library,	321	For the benefit of the widow and heirs of John R. Cuitwood,	337
For the benefit of the widow and heirs of John Anderson, deceased,	<i>Id.</i>	To amend the act altering the mode of taking in the lists of taxable property,	338
To amend the law allowing compensation to venire-men and witnesses,	322	To authorize the sale of part of the real estate of Alexander Dunbar and Henry E. Wax, deceased,	<i>Id.</i>
To appoint additional Justices of the peace in the counties		To abolish imprisonment for debt and subject equitable interests to execution,	340
		To amend the militia law,	344
		Giving further time to return plats and certificates of survey,	347
		Imposing a duty on sales at auction in Jefferson county for the benefit of the Louisville Hospital,	348
		For the benefit of the heirs of William Allen, deceased,	350
		To establish a Literary Fund and for other purposes,	351
		For a change of venue in the case of Elisha English,	353
		For the benefit of the heirs of William Shannon and James	

Bristoe,	357	To amend an act for survey-	
To ascertain and mark the		ing the military claims west	
division line between cer-		of the Tennessee river ap-	
tain counties,	359	proved December 26, 1820,	384
For the benefit of Henry S.		Providing a mode for this state	
Langford, infant heir of Ste-		receiving the net profits at	
phen Langford, deceased,	361	the Commonwealth's Bank,	385
For the benefit of the Semi-		Authorising the county courts	
nary in Harlan county,	362	to erect houses for the ac-	
To amend and repeal in part		commodation of their poor,	<i>Ib.</i>
an act for establishing and		Authorising the sale of the real	
laying off a town at the Iron		estate and slaves of certain	
Banks, approved December		persons,	387
27th, 1820,	363	For the relief of Andrew Craig,	389
For the benefit of the Clerk		Forming the counties of Hick-	
of the Nicholas Circuit Court		man, Graves, Calloway and	
and for other purposes,	365	M'Cracken, on the south-	
For the benefit of the widow		west of the Tennessee river,	390
and heirs of John Willett, de-		To regulate sales of real estate	
ceased,	366	by the collector of the town	
For the benefit of Charpy Mul-		tax of Bardstown,	395
lens of Rockcastle county.	367	To extend the prison bounds,	396
For the relief of Culvin San-		For the benefit of Peter Watts	
ders and Elizabeth Daven-		and John Curd's heirs,	<i>Ib.</i>
port,	<i>Ib.</i>	For the benefit of the widow	
For the benefit of the heirs of		and heirs of Martin Hawkins	
Archibald Marshall, deces-		and Henry Clifton, deceased,	397
ed,	368	For the relief of Elizabeth Car-	
To amend an act appointing		starphen and Abigail Bird-	
persons to view a way for a		well,	399
road from Danville to the		For the relief of Samuel How-	
Tennessee Line,	369	ard and Nancy Fulcher,	400
For the division of Floyd coun-		For the benefit of Joseph	
ty,	371	Crawford and Robert Clag-	
To amend an act concerning		horn,	<i>Ib.</i>
a house of public worship in		For the divorce of Polly Cham-	
the town of Frankfort,	374	bers,	401
For the better regulation of the		Appointing Commissioners to	
towns of Carlisle and Spring-		examine Rockcastle river,	<i>Ib.</i>
field,	375	For the benefit of the heirs of	
For the benefit of Ambrose		James Watkins and others,	402
Camp,	379	To amend the several acts tax-	
To declare Cabin Creek a nav-		ing Billiard Tables and for	
igable stream,	380	other purposes,	404
For the benefit of Mary Prew-		To amend the law concerning	
itt, administratrix of Andor-		Constables,	407
son L Prewitt, deceased,	<i>Ib.</i>	Further to provide for the ac-	
For the divorce of sundry per-	381	tlement of the concerns of	
sons,		the Farmers and Mechanics'	
Concerning Jefferson town, in	382	Bank of Shelbyville and for	
Jefferson county,		other purposes,	408
Authorising the trustees of Un-		Providing for the sale of the	
ion academy to sell certain		vacant land west of the Ten-	
lands,	383	nessee river,	409
For the relief of the sheriffs		To amend an act entitled an	
of Warren and Greenup		act to regulate endorsements	
counties,	<i>Ib.</i>	on executions,	415

To incorporate the Lexington Medical Society,	420	To amend an act entitled an act concerning Attornies for the Commonwealth,	439
To regulate the times of holding the Circuit Courts, County Courts and General Court, in this commonwealth,	424	To amend an act entitled an act for the better regulation of the town of Falmouth approved February 5th 1817,	440
To improve the road leading from Lexington to Nashville in Tennessee, from where the same crosses the Rolling Fork to the summit of Muldrow's Hill,	433	Establishing inspections of Tobacco & Flour at the mouth of Sinking creek,	Ib.
For the benefit of the First Regiment of Kentucky Militia and for other purposes,	435	For the benefit of the Sergeant of the Court of Appeals,	Ib.
For the benefit of the legatees of William Kinkead, deceased,	436	Authorising the citizens of Trigg county to fix on a place for the permanent seat of justice in said county,	441
For the benefit of Luke Munsell,	437	To restrict the county courts in laying their levies and the mode of letting their public buildings,	443
Authorizing certain repairs & improvements to be made to the government house & lot,	Ib.	To add a part of Madison county to the county of Rockcastle,	444
For the relief of the Surveyor of Bourbon county,	438	For the divorce of Rebecca Thompson,	445
To regulate the time of holding the county court of Hickman,	Ib.	For the appropriation of money,	Ib.
		RESOLUTIONS,	451
		APPENDIX,	473
		INDEX,	497



C. J. Miller

ACTS

OF THE

GENERAL ASSEMBLY.

CHAP. CLXXIV.

AN ACT declaring part of Floyd's Fork navigable

Approved October 23, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That Floyd's Fork of Salt river, shall and is hereby declared navigable, from Morris Miller's farm to the mouth of said fork ; and all obstructions to the navigation of said fork may be cleared out.

CHAP. CLXXV.

An ACT to authorise the Editors of certain Newspapers to insert in their Papers certain Advertisements.

Approved October 26, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the editors of the "Glasgow Chronicle," a newspaper printed in Glasgow, and "Kentucky Intelligencer," printed at Millersburg, Bourbon county, Kentucky, to insert in said papers any and all advertisements which are authorised to be published in any newspaper in this state, except such as are particularly directed to be published in the paper of the public printer ; and the editors of said papers shall have a right to demand and receive for their services the fees now allowed by law to other printers for similar services.

CHAP. CLXXVI.

An ACT giving the Judge of the thirteenth Judicial District further time to move into and reside in the same.

Approved October 26, 1821.

One year allowed.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That in addition to the time now allowed by the act entitled "an act to compel the circuit judges of this commonwealth to move into and reside in their respective circuits," the further time of one year be, and the same is hereby allowed to the judge of the thirteenth judicial district, to move into and reside in said circuit.

CHAP. CLXXVII.

An ACT for the benefit of Paul Durrett, of Montgomery County.

Approved October 26, 1821.

Recital.

WHEREAS it is represented to the present general assembly, that James Welch, Archer Welch and William Bunch were employed in guarding Elizabeth Miller, who was charged by the justices of the peace for Montgomery county, of the murder of her infant child, and that the accounts of the said guards being presented to the circuit court of said county, were allowed and certified to the auditor of public accounts, for the amount of one hundred and fifteen dollars twenty-five cents, the amount of which was paid to said guards by Paul Durrett; and there being no law authorising the payment of the same: Therefore,

Allowed \$15
25 cents.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Paul Durrett shall be allowed the sum of one hundred and fifteen dollars and twenty-five cents, to be paid out of the public treasury, being the full amount allowed to said guards.

CHAP. CLXXVIII.

An ACT to authorise the Citizens of Springfield to elect Trustees for said Town.

Approved October 26, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the citizens of the town of Springfield, in Washington county, entitled to vote for trustees in and for said town, by the laws now in force, be, and they are hereby authorised, by an election to be held at the court house in said town, on the sixth day of November next, to elect five fit persons, resident within the limits of said town, trustees for the same; who, when thus elected, shall have all such power and authority they would have had by the laws now in force, provided they had been elected on the first day of January 1821, the time prescribed by law; and shall continue in office until the first day of January 1822, and until their successors shall be duly elected, and shall be governed by the laws now in force for the regulation of said town.

Authorised to elect trustees in Nov. next, to continue in office until 1st January.

Their powers, &c.

SEC. 2. *Be it further enacted*, That if hereafter the citizens of the town of Springfield shall fail to elect trustees for said town on the first day of January in each year, it shall and may be lawful for some one or more house-keepers of said town to have an election of trustees for said town, by giving ten days' notice in writing of the time and place of holding said election, by posting the same upon the court house door in said town.

Elections may be made by giving 10 days' notice, when not elected at the usual time.

CHAP. CLXXIX.

An ACT to amend an act entitled "an act to establish a Turnpike by the way of Williamsburg, Whitley County."

Approved October 27, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the above recited act as requires the citizens of Whitley county to pay toll in passing through the gate to be established under the provisions of said act, be, and the same is hereby repealed.

The citizens of Whitley county exempted from paying toll.

CHAP. CLXXX.

An ACT to allow an additional number of Justices of the Peace to certain Counties.

Approved October 27, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be appointed and commissioned, according to the laws now in force in this commonwealth, four additional justices of the peace in and for the county of Hardin, one to reside in Elizabethtown; one in and for the county of Mercer, to reside in that part of Mercer county taken from Casey county; four in and for the county of Perry, one of which to reside on the Middle Fork of the Kentucky river; three in and for the county of Harrison, one to reside in Marysville, one in the town of Leesburgh, and one on the north of Raven creek; one in and for the county of Bath, to reside in Sharpsburg; two in and for the county of Wayne; one in and for the county of Grayson, and one in and for the county of Casey.

T Hardin,

Mercer,

Perry,

Harrison,

Bath,
Wayne,
Grayson
And Casey.

CHAP. CLXXXI.

An ACT allowing further time to the County Court of Henry to make and return their Lists of Taxable Property for the year 1821.

Approved October 29, 1821.

Preamble.

WHEREAS it is represented to the general assembly, that the county court of Henry have failed to have completed and returned to the auditor, their list of taxable property, within the time prescribed by law, in consequence of the ill health of one of their commissioners: Therefore,

Further time given,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Henry county shall have until the 15th day of December 1821, to make out and return to the auditor their list of taxable property; and when so made and returned, the auditor of public accounts shall receive and audit the same in like manner as though the return thereof had*

been made according to law ; and the list or lists of taxable property taken and returned by order of the said court, shall be binding on the citizens of said county, in the same manner as if done by the commissioners within the time heretofore prescribed by law.

Sec. 2. *Be it further enacted*, That the commissioner or commissioners so appointed or to be appointed under the provisions of this act, together with the clerk of the county court of Henry, shall, on or before the said 15th day of December, 1821, respectively do and perform all the duties heretofore enjoined by law in relation thereto, and be subject to the same penalties for a failure of duty, as are prescribed by an act of the general assembly entitled "an act to alter the mode of taking in lists of taxable property," approved February 2d, 1819.

Duty of commissioners and clerk.

CHAP. CLXXXII.

An ACT to authorise the appointment of an additional number of Constables in certain Counties.

Approved October 29, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for the county courts herein mentioned to appoint in their respective counties an additional number of constables: In Madison, two, one of whom shall reside on the east side of Muddy creek, between that and the waters of Drowning creek, and the other in Boonsborough or its vicinity ; in Mercer, one ; in Fleming, one ; in Pulaski, one ; in Franklin, one, who shall reside in Lawrenceburg or its vicinity ; in Nelson, one, who shall reside on the south side of the Beech Fork ; and in Shelby, three, one of whom shall reside in Taylorsville or its vicinity, one in Christiansburg or its vicinity, and one in the vicinity of the junction of Bullskin with Clear creek.

In Madison,

Mercer,
Fleming,
Pulaski,
Franklin,
Nelson,
And Shelby.

Sec. 2. *Be it further enacted*, That in the appointment of constables under this act, the present

Majority of the court to be present.

sence of a majority of all the justices of the peace in the county shall be necessary ; and the constables appointed in virtue thereof shall, in every respect, be governed by, and subject to the laws in relation to constables now in office, touching their respective duties and violations thereof.

Warrant may be returned out of the district in certain cases.

Sec. 3. *Be it further enacted*, That it shall be lawful for any constable, where the justice of the peace in his district is interested in the case, or related to either of the parties, or refuses, for other cause, to act therein, to return the warrant and all other process in any such case, before some other justice in said district, or in an adjoining district convenient to the defendant ; and the justice shall take cognizance thereof, and proceed thereon as in other cases, to the same amount.

CHAP. CLXXXIII.

An ACT further to regulate the payment of the Debt due the Commonwealth for the sale of vacant Lands.

Approved November 5, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled "an act further to regulate the payment of the debt due the commonwealth for the sale of lands," approved the 3d day of November 1820, shall be, and the same is hereby revived and continued in force for and during the term of one year from and after the 15th day of January next.

The provisions of the act of 1820 continued in force until January 1823.

CHAP. CLXXXIV.

An ACT further to indulge the Settlers on the Lands acquired by the Treaty of Tellico.

Approved November 5, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the act entitled "an act further to indulge the settlers on the

The provisions of the act

lands acquired by the treaty of Tellico," approv. of 1820 continued in force until January 1823, and the same is continued in force until the 16th day of January 1823.

CHAP. CLXXXV.

An ACT to change the place of holding Elections in the Eastern Precinct in Hardin County.

Approved November 5, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the elections directed by law to be held at the house of George Sipes, in the eastern precinct in Hardin county, shall hereafter be held at the house of James Morrison, in the county and precinct aforesaid; and that all the qualified voters in said precinct may vote either at the court-house of said county in the town of Elizabeth, or at the place aforesaid for holding the election in the precinct.

Elections to be hereafter held at James Morrison's.

Voters may vote at the precinct or the court-house.

SEC. 2. *Be it further enacted,* That so much of any and every law erecting a precinct in the county of Hardin, as directs elections to be held at the house of George Sipes, be, and the same is hereby repealed.

Repealing clause.

CHAP. CLXXXVI.

An ACT to establish a Seminary of Learning in the County of Hart.

Approved November 5, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That Dudley Roundtree, Adin Coombs, George T. Wood, pointed Samuel Finley, Robert S. Thompson, William Ford and Wyllis H. Chapman, of the county of Hart, shall be, and they are hereby constituted a body politic and corporate, to be known by the name of The Trustees of the Hart Seminary; and by that name shall have perpetual succession, and a common seal, with power to change the

same at pleasure ; and as such, shall be authorised to exercise all powers and privileges that are enjoyed by the trustees of any seminary, college or university in this commonwealth, not herein limited or otherwise directed.

First meeting. Sec. 2. That the said trustees shall hold their first stated session, at the town of Munfordville, in the county of Hart, on the second Monday in March next, or so soon thereafter as may be ; and they, or a majority of them, shall, as soon as they think proper, fix upon a place for a permanent seat for said seminary, and proceed to erect buildings thereon, as soon as convenient and the interest of said institution may require.

To provide buildings.

May purchase and hold property. Sec. 3. The said trustees, or their successors, by the name aforesaid, shall be capable in law to purchase, receive and hold, to them and their successors, for the use and benefit of said seminary, any lands, tenements, or rents, goods and chattels, of what kind soever, which shall be given or devised to, or purchased by them for the use of said seminary ; and also, to demand and receive from the justices of the county court of Hart county, any land, and all the papers relating thereto, which they may have, or cause to be entered, surveyed or patented for the use of the seminary aforesaid : *Provided, however,* that the said trustees shall be compelled to carry into full and complete effect any contract or contracts made by the said county court of Hart, with any person or persons, to locate their donation, which is not inconsistent with the laws now in force on that subject.

Sec. 4. The said trustees, by the name aforesaid, may sue or be sued, plead or be impleaded, in any court of law or equity in this state.

To hold two meetings a year. Sec. 5. The said trustees shall hold two stated sessions in each year, at such time and place as they shall judge proper ; and in case a sufficient number of members do not attend to constitute a board, those who do attend may adjourn to any day previous to the next stated meeting, and shall give ten days' previous general notice thereof.

The number Sec. 6. Five members shall be sufficient to constitute a board for the transaction of all business

respecting the said seminary, excepting those cases particularly excepted. to constitute a board.

Sec. 7. The assent of a majority of the whole number of trustees shall be necessary to perform the following business: To elect and fix the salary of the president; to fix on the permanent seat of the seminary; to alienate, sell or convey any lands, tenements or rents belonging to the seminary; to appropriate any sum not exceeding one half part of the amount of funds. For what purpose a majority must concur

Sec. 8. The trustees shall have power, from time to time, to establish such by laws, rules and ordinances, not contrary to the constitution and laws of this commonwealth, as they shall deem necessary for the said seminary.

Sec. 9. The trustees shall elect a president, treasurer, clerk to their own body, and so many professors, tutors or masters as may be necessary; and upon the death, resignation or legal disability of any of the trustees, president or other officer of the said seminary. the board of trustees shall supply the vacancy by ballot. To elect officers, &c.

Sec. 10. The president and other officers of the said seminary shall be subject to the direction of the board of trustees, and continue in office during good behaviour. Officers to continue in office during good behaviour.

Sec. 11. The president of the board of trustees shall have full power to call special meetings of the said trustees; and it shall be his duty, upon the request of three of them, to do the same; but upon any called meeting, ten days' general notice shall be given by the president, previous to the meeting. Called meetings of the board.

Sec. 12. If at any time a member of the board of trustees shall absent himself from three stated meetings successively, unless for good cause shewn and approved of by the said trustees, in such case his seat shall be considered vacant, and the board may proceed to fill his seat with a new member: *Provided, however,* that the trustees of the said seminary shall at all times be accountable for their conduct in the management of the business aforesaid, in such manner as the legislature shall by law direct. Trustees' seat vacated for absence. Trustees to be accountable to the legislature

CHAP. CLXXXVII.

An ACT for the benefit of the Widow and Heirs of Isaac Howdyshelt, deceased.

Approved November 5, 1821.

Recital.

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, by the petition of Nancy Howdyshelt, widow and administratrix of the estate of Isaac Howdyshelt, deceased, that said Howdyshelt died leaving his estate greatly involved in debt, much more than his personal property is sufficient to discharge, and that it would be much to the advantage of the widow and infant heirs of said deceased, that a horse mill belonging to said estate, standing on the waters of the Barren fork of Drake's creek, in Simpson county, should be sold for the purpose of paying the debts of the said deceased; Therefore,

Commrs appointed to sell and convey lands, to pay the debts of the estate.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky;* That Nancy Howdyshelt, the administratrix of the said Isaac Howdyshelt, deceased, James Moore and Thomas Land, are hereby empowered and vested with full authority to sell and dispose of the aforesaid horse mill, in any way that they may think best, for the purpose of paying the debts of said deceased.

To give bond and security.

Sec. 2. *Be it further enacted,* That the said Nancy Howdyshelt, James Moore and Thomas Land, before they enter upon the duties prescribed by this act, shall, in the Simpson county court, enter into bond, in the penalty of eight hundred dollars, with two or more securities, to be approved of by said court, with a condition that they will truly and faithfully exercise the powers granted them by this act; which money, when received by them, shall be considered as assets in their hands, for the payment of debts due from said estate; and upon any breach of the condition of said bond, the aforesaid Nancy Howdyshelt, James Moore and Thomas Land, and their securities, shall be liable to a suit or suits on said bond, by the party or parties aggrieved, in any court having jurisdiction of the same.

Condition thereof.

May be sued on.

CHAP. CLXXXVIII.

An ACT to authorise the insertion of certain Advertisements in the Emporium and Commercial Advertiser.

Approved November 5, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for any advertisements which are required by law to be published in a newspaper, to be inserted in the "Emporium and Commercial Advertiser," a paper printed in Louisville; and that the editors of said paper shall be entitled to the same fees, and be governed by the same regulations as other printers in this commonwealth: Provided, that nothing herein contained shall be construed so as to authorise the insertion of such advertisements as are particularly required by law to be published in the paper of the public printer.

CHAP. CLXXXIX.

An ACT for the benefit of John White and Sally Henderson.

Approved November 5, 1821.

WHEREAS it is represented to the present Preamble.
general assembly, that John White, sen. of Adair county, obtained a certificate from the court of commissioners, in the year 1798, No. 1216; for two hundred acres of land in Adair county; that he now holds one hundred acres of said land, being the north end of said survey; that there yet remains a part of the state price due on said one hundred acres; that he also claims forty-two acres adjoining thereto, on Adair county court certificate, No. 84; and it appearing that the said White is aged and infirm, and in indigent circumstances: Therefore,

Sec. 1. *Be it enacted by the General Assembly of John White to
the Commonwealth of Kentucky, That upon said file a plat.*
White filing a plat and certificate of survey of one hundred acres, on the north end of said two hundred acre survey, as also a plat and certificate of survey of said forty-two acres, upon said

certificate No. 84, the register shall issue patents for the aforesaid tracts of land, without the state price being paid therefor.

Warrant for Sally Henderson.
 Sec. 2. The register of the land office is authorised and directed, upon application, to issue a land warrant for one hundred acres, in the name and for the benefit of Sally Henderson, directed to the surveyor of Rockcastle county, without the state price being paid for the same, any law to the contrary notwithstanding,

CHAP. CXC.

An ACT for the benefit of Margaret Watson.

Approved November 5, 1821.

Preamble.

WHEREAS it is represented to the general assembly, that William Bauldin, some years ago, obtained a certificate for two hundred acres of land, from the county court of Livingston, No. 837, and the said Bauldin transferred the same to Alexander Stevenson, who transferred it to Josiah Watson, who caused a survey to be made thereon; that the land is in the county of Caldwell, on the west fork of Donaldson's fork of Tradewater; that the said Watson has paid the first instalment thereon; that he has become insane, and is supported by the state; that his wife has lately departed this life, leaving Margaret Watson, an only child of the said Josiah, who is destitute of means to pay the balance of the state price on said land, or even any thing to support her: Therefore,

Patent to issue *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the register of the land office be, and he is hereby directed to issue a patent on said survey to Margaret Watson, without the balance of the state price being paid thereon.

CHAP. CXCL

An ACT providing for the safe-keeping of the Stationary and Furniture belonging to the Legislature.

Approved November 5, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the secretary of the senate and the house of representatives, and they are hereby required, at the close of each session of the legislature, to make out an inventory of all the books, stationary and furniture belonging to the senate chamber and that of the house of representatives, and shall forthwith take the receipt of the keeper of the state-house, who shall be answerable and responsible therefor; and upon his failure or refusal to sign said receipt, the secretary of either branch shall report the same to the governor, who shall thereupon make another appointment of some one who will sign said receipt; which receipt shall be safely kept by the secretary, subject to the inspection and order of the legislature, at any time thereafter.

CHAP. CXCII.

An ACT for the benefit of John A. Tarascon.

Approved November 5, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That John A. Tarascon, of Shippingport, in the county of Jefferson, be, and he is hereby authorised to form and establish a lottery, for the purpose of disposing of his lots, fractions of lots, and houses, in Shippingport and its enlargement, upon such a plan, and divided in as many classes as he may deem most advisable and expedient; to dispose of the tickets therein, and cause the same to be drawn as has been customary in other lotteries: *Provided,* the same shall be according to the tenor of this act.

Sec. 2. *Be it further enacted,* That before the plan of said lottery shall be carried into effect,

Secretaries to make inventories, and regulations respecting them.

Lots to be valued, and com-

missioners to take oath. for any class or classes, the lots, fractions of lots and their appurtenances, to be adventured in said class or classes, shall be appraised by two at least of three commissioners, to be appointed by the county court for the county aforesaid. The commissioners shall, before they proceed to perform the duties assigned to, and required of them by this act, take an oath or affirmation before some justice of the peace for said county, faithfully and impartially to perform such duties; and the said lots and fractions of lots, with their appurtenances, shall be estimated in said lottery according to the appraisement of the commissioners that may make the valuation: *Provided, however*, that the commissioners shall not proceed to the appraisement herein required, until the said Tarascon shall produce to them a certificate of the clerk of Jefferson county, that the said Tarascon has a clear title to the lands and lots then presented to the commissioners for valuation.

Proviso concerning title.

Tickets not to exceed a certain value. Sec. 3. The whole of the tickets shall not exceed the value of that of the lots and fractions of lots, with their appurtenances, valued by the commissioners; and that the said John A. Tarascon, before he shall offer any of said tickets for sale, shall have his signature on each one, attested by at least one of the aforesaid commissioners, and shall deliver to them his certificate in writing, in the following form, for the lots, fractions of lots and appurtenances designated and appropriated to be prizes: "I, John A. Tarascon, of the town of Shippingport, Jefferson county, oblige myself and my heirs to convey, by deed with general warranty, to the holder of each and every ticket which may draw a prize in the lottery of my lots and fractions of lots and their appurtenances in Shippingport or its enlargement, the lot or fraction of lot, with its appurtenances, which such ticket may so draw. Witness my hand and seal, this — day of —, 18—. John A. Tarascon."

Form of obligation.

Regulations respecting the drawing.

Sec. 4. That whenever the said John A. Tarascon shall have sold a sufficient number of tickets for one class, he shall give notice thereof to the said commissioners, whereupon they, or a majority of them, shall appoint a day and place

of drawing it, and shall, by advertisement in two of the newspapers printed at Louisville, give at least ten days' previous notice thereof; that on the day so appointed, the drawing of such class shall be effected under the inspection, superintendence and direction of two at least of the aforesaid commissioners, who, or some two of them, shall, at the close of said drawing, deliver to each person drawing a prize, a certificate stating the fact and describing, as particular as may be, the lot or fraction of lot, with its appurtenances, so drawn; and the said Tarascon, on being presented with the aforesaid certificate and the fortunate ticket, by its holder or owner, shall convey to him, by said deed with general warranty, the lot or fraction of lot, with its appurtenances, so drawn as a prize.

Sec. 5. The rate or price of tickets, the sale thereof, whether on credit or for cash, shall be regulated by the said Tarascon; and any note executed for the purchase of such tickets, whether with or without security, shall be obligatory upon the party executing the same.

Rate and price
of tickets, how
regulated.

Sec. 6. *Be it further enacted*, That if the said lottery shall not be drawn within two years from the passage of this act, it shall be lawful for the purchasers of tickets to demand and recover the money they shall have respectively paid, from the said Tarascon, his heirs, executors or administrators.

Limitation.

CHAP. CXCIIE.

An ACT to extend the limits of the Town of Morganfield.

Approved November 7, 1821.

SEC. 1. *BE it enacted by the General Assembly* of the Commonwealth of Kentucky, That fifty acres of land, belonging to Samuel Givens, Jeremiah Riddle and William Spalding, lying on the north-westwardly end, and adjoining to the town of Morganfield, shall be annexed and added to the town of Morganfield.

Fifty acres of
land added to
the town.

And vested in the trustees thereof.

Who are to lay off the same into lots, &c. and sell & convey the same to purchasers.

Sec. 2. The said ground shall be vested in the trustees of the town of Morganfield and their successors, and shall be by said trustees laid out into convenient lots, streets and alleys, correspondent to the streets and alleys of the town of Morganfield; and the trustees shall make sale of said lots or parts of lots, under the direction of said Samuel Givens, Jeremiah Riddle and William Spalding.

Sec. 3. The said trustees, or their successors, shall convey the lots so sold to the purchaser or purchasers, agreeably to the rules and regulations now directed by law relative to said town of Morganfield.

The present owners to give bond, &c.

Sec. 4. The said Samuel Givens, Jeremiah Riddle and William Spalding, shall, before the sale of said fifty acres of land, severally execute bond with approved security, in the county court of Union county, in such sum as said court may require, conditioned to refund the purchase money arising from the sale of said lots, to any person or persons who shall hereafter set up and establish a prior and better title to said land.

CHAP. CXCIV.

An ACT declaring the North Fork of Kentucky River a navigable stream, and for other purposes.

Approved November 7, 1821.

North fork declared navigable.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the North fork of Kentucky river be, and the same is hereby declared a navigable stream, to the mouth of the Line fork; and any person or persons obstructing the same, shall be liable to the same fines and penalties imposed by law on persons obstructing any navigable stream in this commonwealth. Nothing in this act shall be so construed as to prevent any person or persons from building a fish trap and dam on said stream.

Middle fork declared navigable.

SEC. 2. *Be it further enacted,* That the Middle fork of Kentucky river be and is declared a navigable stream, from its junction with the North

fork as high up as ten miles above Garrard's salt-works on said stream, subject to the same rules and regulations as are prescribed in this act.

Sec. 3. *Be it further enacted*, That Station Camp creek be, and the same is declared a navigable stream, from its junction with the Kentucky river as high as Alexander Reed's mill on said stream, under the same regulations as are prescribed by this act. Station Camp creek declared navigable.

CHAP. CXCV.

An ACT concerning the County Court of Nelson.

Approved November 16, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the fourth section of an act entitled "an act to alter the time of holding the county courts of Ohio and Daviess, and to legalize the proceedings in certain cases, and for other purposes," approved January 9th, 1818, be, and the same is hereby repealed; and the laws in force thereby repealed, be, and the same are hereby revived. 4th sec. of act of 1818 repealed, and the act thereby repealed revived.

Sec. 2. *Be it further enacted*, That all acts of the Nelson county court, imposing and collecting the county levy heretofore, be, and the same are hereby declared valid and legal. Proceedings legalized

CHAP. CXCVI.

An ACT for the benefit of the Sheriff of Monroe County.

Approved November 20, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Monroe county shall be, and he is hereby authorised to enter into bond in the county court of Monroe, with such securities as shall be approved of by said court, for the faithful discharge of the several duties appertaining to the office of sheriff of said county, and for the collection of the revenue and county levy of said county, for Authorised to execute his official bond, &c.

At term of time he ought to have given bond security at his first qualification; which bond shall be as valid, to all intents and purposes, as if given at the proper time; and all his acts, heretofore, shall be binding, as though he had executed bond at the proper time required by law.

CHAP. CXCVII.

An ACT to authorise the Editors of the Republican Orbit, a Newspaper printed in Cynthiana, to insert certain Advertisements.

Approved November 20, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky. That it shall and may be lawful for the editor of the "Republican Orbit," a newspaper printed in Cynthiana, Kentucky, to insert in said paper any and all advertisements which are authorised to be printed in any newspaper in this state, except such as are particularly directed to be published in the paper of the public printer; and the editor or editors of said paper shall have a right to demand and receive for their services the fees now allowed by law to other printers for similar services.

CHAP. CXCVIII.

An ACT for the benefit of Polly Simpson and her Children.

Approved November 20, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky. That the balance of State price of land remitted. the state price due on two hundred acres of land in Barren county, on which Polly Simpson now resides, and which was transferred to the said Polly and her children, by Thomas Simpson, be, and the same is hereby remitted; and the register of the land office is hereby directed to issue to the said Polly and her children, without fee, a patent for the said land, upon her producing to the register a copy of the plat and certificate of survey thereof, and the assignment aforesaid.

CHAP. CXCIX.

An ACT to amend the several Acts concerning the Town of Louisville.

Approved November 20, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the ^{Two years give} ^{an the owners} ^{of lots sold for} ^{taxes to re-} ^{deem them.} *third section of an act of the general assembly, entitled "an act concerning the town of Louisville, in Jefferson county," approved February 7, 1812, as directs and authorises the town collector of said town to make an immediate conveyance to the purchaser of any lot, house, or other real property, or parts thereof, sold for the town tax due thereon, shall be, and the same is hereby repealed; and it shall and may be lawful for the owner of such lot, house, or other real property, or parts thereof, sold as aforesaid, whether a resident or non-resident of said town, to redeem the same at any time within two years from and after such sale, by the payment of the tax for which the same was sold, together with one hundred per centum per annum thereon, and all taxes due thereon at the time of such redemption; and in case such redemption is not made within the time aforesaid, the town collector shall proceed to make the conveyance directed in said third section.*

CHAP. CC.

An ACT authorising Richard L. Walker and Nathan Harris to erect a Mill-Dam across Rough Creek, in Ohio County.

Approved November 20, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That Richard L. Walker and Nathan Harris be, and they are hereby authorised to build a mill-dam, eight feet high, across Rough creek, at their mill seat near Hartford, in Ohio county; and they are hereby authorised to erect such other works on said stream, as may be necessary to carry into effect a water grist and saw-mill; but if it should ap- ^{May erect a} ^{dam and mills.}

County court
of Ohio may
require them
to erect locks
or slopes.

Or demolish
it, if it in-
jures the navi-
gation.

pear hereafter that the said mill-dam obstructs the navigation of said stream, the county court of Ohio shall have power to require the said Walker and Harris to put a lock or slope in said dam, or take such other measures as will remove the obstruction; and if the said Walker and Harris shall fail to put said lock or slope in said dam, so as to prevent it from injuring the navigation of said stream, the county court shall have power to order the sheriff of Ohio county to demolish said dam.

CHAP. CCI.

An ACT to amend the Law regulating Attachments.

Approved November 22, 1821.

No costs to be
recovered a-
gainst garnish-
ees.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all acts or parts of acts giving to the plaintiff or plaintiffs in suits by attachment against absconding debtors, costs of suit against the garnishee or garnishees summoned under and by virtue of such attachment, shall be, and the same are hereby repealed.

CHAP. CCII.

An ACT for the benefit of Solomon Griffin and the heirs of Catherine Smith.

Approved November 22, 1821.

Recital,

WHEREAS it appears to the present general assembly of the commonwealth of Kentucky, that at the September term of the Lincoln county court, in the year 1807. there was issued to Ephraim Pearce, a certificate for one hundred and fifty acres of land, lying in that part of said county which is now included within the bounds of the county of Rockcastle; that the state price has been paid, and that the said Pearce has transferred his interest in the same to a certain Solomon Griffin and a certain Catherine Smith, the latter of whom has departed this life: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the register of the land office to issue a grant or grants to the said Solomon Griffin for seventy-five acres of said land, and to the heirs or devisees of said Catherine Smith for the balance of said land, in the same manner and under the same regulations as if said certificate had issued from the proper court. Register to issue a grant.

Sec. 2. *Be it further enacted,* That the heirs or devisees of Catherine Smith be allowed five years from the passage of this act, to survey and register the seventy-five acres on their part, any law to the contrary notwithstanding. Further time given devisees of C. Smith to survey.

CHAP. CCIII.

An ACT to alter the mode of admitting persons to bail under writs of habeas corpus.

Approved November 22, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That justices of the peace for the different counties within this commonwealth, are hereby authorised to receive returns of writs of *habeas corpus*, agreeably to the laws now in force making such writs returnable before the circuit judges. Justices of the peace to receive returns of writs of habeas corpus.

Sec. 2. *And be it further enacted,* That it shall hereafter be the duty of the officer, or person to whom a writ of *habeas corpus* may be directed, if there be no circuit judge within the county, to return the writ, together with the person in custody applying for the benefit thereof, before the justices of the peace by whom the prisoner was examined and committed, or before any two justices of the peace who may be appointed by the county court for the county, to grant injunctions, writs of *ne exeat*, *habeas corpus*, &c. Writs to be returned before justices of the peace.

Sec. 3. *Be it further enacted,* That justices of the peace before whom returns may be made as aforesaid, after having examined into the causes of commitment, if it shall appear that the prisoner applying has not been confined upon suspicion of treason or murder, and that he is entitled to Justices may admit to bail.

bail, under the constitution and laws of this state, shall immediately fix upon the sum in which he shall be required to give bail for his appearance at the next term of the circuit court for said county, and proceed to take the bond with sufficient security, agreeably to the existing laws.

Officers' fees. Sec. 4. *Be it further enacted*, That any officer acting under writs as aforesaid, shall be entitled to the same fees for the distances necessarily travelled, and liable to the same penalties for failure or refusal to obey, upon application of the prisoner or other person with a writ of *habeas corpus*, that he would now be, under the existing laws.

CHAP. CCIV.

An ACT for the benefit of the heirs of Turner Morehead and Lawrence Owen.

Approved November 22, 1821.

Commrs au- Sec. 1. *BE it enacted by the General Assembly*
thorised to sell *of the Commonwealth of Kentucky*, That the coun-
and convey the ty court of Barren county shall be, and they are
lands of Tur- hereby authorised and directed to appoint three
ner Morehead. commissioners, who are hereby invested with
full power and authority, and they are hereby di-
rected to sell three several tracts or parcels of
land, lying and being in said county, of which
Turner Morehead died seized and possessed, con-
taining fifty, sixty-five and seventy acres, upon
such terms and conditions as they shall deem
most advantageous to the widow and heirs of the
said Turner Morehead, deceased; and the said
commissioners are hereby directed to invest the
proceeds of the sales of said tracts of land in the
purchase of one entire tract of land, and take a
deed therefor to the heirs of said Turner More-
head: *Provided, however*, that the widow of the
said Turner shall be entitled to dower in the land
hereby directed to be purchased, upon condition
that she shall relinquish dower to the land di-
rected to be sold as aforesaid.

Proceeds of
sale, how to be
disposed of.

Proviso.

Commrs to
give bond.

Sec. 2. *Be it further enacted*, That the said commissioners shall, before they proceed to the

discharge of the duties hereby assigned them, execute bond with one or more securities, in such penalty as said court shall direct, conditioned well and truly to discharge the duties assigned them by this act, and for the application of the proceeds of said sales, in the manner contemplated by this act; and upon the payment of the money contracted to be paid for the sale of said three tracts of land, the said commissioners shall convey the same to the purchaser or purchasers thereof, by deed with general warranty; which deed shall be as binding and obligatory upon said heirs as if signed by them individually, and as if they were of full age.

And whereas Lawrence Owen, late of Henry county, died seized of a small tract of land on which there is a saw mill, the sale of which will prove advantageous to the heirs; Therefore,

Sec. 3. *Be it further enacted*, That the administratrix of the estate of the said Lawrence Owen, deceased, may sell and convey, at public or private sale, any quantity of said tract of land not exceeding ten acres, including said saw mill; and a conveyance by her made, shall vest the title thereto in the purchaser. The proceeds of said sale shall be considered as assets in the hands of the administratrix.

Adm'r of L. Owen authorised to sell the land of the deceased.

CHAP. CCV.

An ACT authorising and directing the County Court of Bourbon to open and keep in repair a certain Road.

Approved November 22, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the county court of Bourbon county are authorised and empowered, and are hereby directed to open and keep open in good repair, that part of the road leading from Georgetown to Cynthiana, which passes through said county of Bourbon, at least thirty feet wide, so as to intersect said road from Georgetown to Cynthiana at the Scott county line and the Harrison county line, as at present opened.

CHAP. CCVI.

An ACT to establish the Line lately run between the States of Tennessee and Kentucky.

Approved November 22, 1821.

Boundary line
ratified.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the line, as run and marked, in the year 1821, by William Steele, the surveyor on the part of Kentucky, and Absalom Looney, the surveyor on the part of the state of Tennessee, in pursuance of the authority of their respective states, be, and the same is hereby ratified and declared to be the boundary line between the said states: Commencing at seven pines and two blackoaks on the top of Cumberland mountain, on the Tennessee line, one mile and a half and twelve poles southwardly of the Cumberland Gap; thence with Walker's old marked line south eighty six degrees west by the magnetic meridian, crossing the left hand fork of Yellow creek at one mile, crossing Mingo mountain, and then crossing Bennett's fork of Yellow creek at five miles; then Log mountain, crossing Bowman's fork of the Clear fork of Cumberland at nine miles, the Trace fork at twelve miles, Buffalo at fifteen miles, the Laurel fork at eighteen miles, Tom's creek at nineteen miles, and Primroy at twenty-one miles; then crossing Pine mountain and the Clear fork of Cumberland river in the Lot at twenty-five miles; then crossing the Hackle Knob to the Elk fork at twenty-eight miles; Indian creek at twenty-nine miles; then Gillico mountain and Gillico creek at thirty-three miles, and the right hand fork of Gillico at thirty-six miles; Rock creek at forty-one miles; Marsh creek at forty-seven miles; the Roaring Pouch at forty-nine miles; Bear creek at fifty-four miles; the Big South fork of Cumberland at fifty-eight miles; Rock creek at sixty-eight miles; the left hand fork of the Little South fork at seventy-six miles; passing the Chimney or Pilot Rock at seventy-eight miles; crossing the Poplar mountain into Stockton's Valley at eighty-seven miles, and Pile's turnpike road at ninety miles; then cross-

sing Wolf river six times ; then Sulphur Lick creek at one hundred and four miles ; Kettle creek at one hundred and twelve miles ; in all, one hundred and fourteen miles, to three hackberry trees, on the bank of Cumberland river, opposite to the point where Walker's old marked line strikes the Cumberland river on the west side, and about twenty-four poles above John Kerr's house.

CHAP. CCVII.

An ACT for the benefit of the heirs of Roger Robbins, deceased.

Approved November 22, 1821.

WHEREAS it is represented to the present general assembly, that the heirs of Roger Robbins are entitled to a certain tract of land, of one hundred acres, lying and being on the head waters of Lawrence's creek, in the county of Mason, and on which the said heirs now reside ; which said one hundred acres of land they think too small to ever divide among five heirs, and to rent it, it must go to wreck, there not being timber enough to make the necessary repairs which are now wanting on said premises ; they therefore wish to be authorised by law to dispose of the same. Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Daniel Robbins and Leonard Robbins, together with the guardians of their infant brother and sisters, be, and they are hereby authorised to dispose of their said tract of land, as may best suit the interest of said heirs ; and that it shall be the duty of said Daniel and Leonard Robbins, together with the guardians of their infant brother and sisters, before they proceed to exercise the powers given by this act, to enter into bond with sufficient penalty and security, in the county court of Mason, for the faithful performance of the duties authorised by this act ; which bond shall be made payable to the commonwealth of Kentucky. Comm'rs appointed to sell certain lands.
Who are to give bond and security.
Condition thereof.

Sec. 2. *Be it further enacted*, That the said authorised sale shall not affect or annul any equitable claim or claims which may exist against said estate or tract of land, that due recourse by law may be had thereto, on motion being made against said heirs and their guardians.

CHAP. CCVIII.

An ACT for the benefit of the heirs of David C. Irvine, deceased.

Approved November 22, 1831.

Recital.

WHEREAS it is represented to this present general assembly, that the late David C. Irvine, of the county of Madison, died seized and possessed of a small strip of land, lying in the aforesaid county of Madison, and adjoining the lands of Mitchell Morrison; which strip or parcel of land is supposed to be from one hundred and fifty to two hundred poles in length, and from four to six poles in width. It is supposed there is contained in said boundary from eight to twelve acres of land; and the heirs of the said David C. Irvine having no other lands lying near the aforesaid lot or parcel of land, it is therefore deemed expedient by the administrators of said decedant, that the same should be sold for the benefit of said heirs, inasmuch as said estate is somewhat involved, and the proceeds thereof will be applied to the payment of said decedant's debts: Therefore,

Comm'r authorised to sell real estate.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Richard C. Holder be, and he is hereby appointed a commissioner, to sell, at public or private sale, as he may think most advisable for the benefit of said heirs, the aforesaid slip or parcel of land, and to convey to the purchaser or purchasers accordingly; which conveyance so made shall be good and valid in law; and the proceeds of the sale of said land shall be taken and considered as assets in the hands of the administrators of the decedant.

CHAP. CCIX.

An ACT authorising the insertion of Advertisements in certain Newspapers.

Approved November 22, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for any advertisements required by law to be published in a newspaper, to be inserted in the "Kentucky Patriot and Springfield Literary Register," and the "Republican Centinel," published in Winchester; and the editors of said newspapers shall be entitled to the same fees, and be governed by the same rules as other printers in this commonwealth: *Provided, however,* that nothing in this act shall be so construed as to authorise the insertion of any advertisements that may be particularly required to be published in the newspaper printed by the public printer.

Kentucky Patriot & Republican Centinel.

CHAP. CCX.

An ACT for the benefit of Ansel Wilhoit.

Approved November 22, 1821,

WHEREAS it is represented to the present general assembly, that in the division of the estate of the late Elijah Wilhoit, deceased, of the county of Woodford, Ansel Wilhoit, an infant heir of said deceased, drew the highest priced lot of land, and the highest priced slave, and by that means became indebted to two of the legatees in the sum of one hundred and ninety dollars, which he, with the aid of his guardian, Hiram Wilhoit, is unable to pay, without selling either the slave or lot of land; and believing that it would be more to the advantage of said infant, to sell the lot of land, containing twenty-two acres and twenty-five poles, without improvement, than to sell the slave, which is a likely young woman about eighteen years of age: For remedy whereof,

Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That John H. Comm'r's appointed to sell

& convey cer-
tain lands.

Smith, William Tillery. Dawson Brown, Raw-
leigh Hudson and Hiram Wilhoit, or any three
of them, be, and they are hereby appointed com-
missioners, with full power and authority to sell,
dispose of and convey said lot of land, on a cred-
it of six and twelve months, taking bond with
good and sufficient security, for the payment of
the purchase money, from the purchaser or pur-
chasers thereof.

Conveyance to
be good and
valid.

Sec 2. *Be it further enacted*, That any sale and
conveyance which may be made by virtue of this
act, by said commissioners, shall be as good and
valid, to all intents and purposes, as if the same
were made by the said infant, and he of full age.

Comm'rs to
give bond and
security.

Sec. 3. *Be it further enacted*, That before the
commissioners shall proceed to discharge the du-
ties provided by this act, they shall enter into
bond, with security, to be approved of by the
county court of Woodford, in a sum double the
amount of said estate, with a condition to pay
over, as soon as they receive it, to the guardian
of the said infant, for his use and benefit, the pro-
ceeds of the sale of said lot of land; and upon a
failure, the party aggrieved may have and main-
tain an action on said bond, to recover any mon-
eys which they may fail to pay over as above re-
cited, in any court having jurisdiction thereof:
Provided, nevertheless, that the said infant shall
have the term of three years from and after he
shall have attained the age of twenty one years,
to invalidate and set aside any sale made under
the provisions of this act, for any fraud that may
have been committed against said infant.

Condition
thereof.

May be sued
on.

Proviso.

CHAP. CCXI.

*An ACT appointing Trustees for the Town of
Boonsborough, and for other purposes.*

Approved November 22, 1821

Preamble.

WHEREAS it is represented to this present
general assembly, that under the act establishing
the town of Boonsborough, the lots in said town
have been sold in pursuance thereof; and that, in

the year 1795, John Holley, at said sale, became the purchaser of forty three lots, and owing to the distant residence of the trustees of said town, and the little interest they had therein, he has been unable to obtain deeds to said lots, although the purchase money has been repeatedly tendered to them and deeds demanded, while said trustees were in session ; but by said trustees was put off from time to time, until it does appear there are no regular trustees in said town, who could convey an indisputable title to said lots, owing to the circumstances aforesaid : And whereas it is further represented, that the law establishing said town gave to the proprietors thereof six hundred and forty acres of land, as a common for their use and benefit ; and that the inhabitants, owners and proprietors of lots in said town, are desirous that the said common, owing to the few inhabitants residing therein, should be divided into out lots, for the special use and benefit of the proprietors and owners of in lots in said town, agreeable to each of their respective interest in and to lots as aforesaid in said town ; and when said common is so divided into out lots, that they may be conveyed to each of the proprietors accordingly : Therefore,

Sec. 1. *Be it enacted by the General Assembly* Trustees appointed of the Commonwealth of Kentucky, That Green Clay, Thomas Lindsey, John Holley, Samuel Buckley, Hiram Feamster, Daniel Bently and Richard Oldham, gentlemen, are hereby appointed trustees of said town of Boonsborough, to continue in office until the first Monday in January 1823, on which day the county court of Madison is hereby authorised and required to appoint seven trustees, annually, on the first Monday in January in each year thereafter : *Provided, however,* that the trustees appointed by this act, and the trustees hereafter appointed by the county court of Madison, shall have power to fill any vacancy in said board in the meantime, which may be occasioned by death, removal, resignation or refusal to accept the office of trustee to said town, a majority of said board concurring therein.

Sec. 2. *Be it further enacted,* That the trustees appointed under the provisions of this act, shall have full power and authority to convey, by deed or deeds, any lot or lots which have been or may hereafter be sold in said town; and the deed or deeds made to purchasers as aforesaid, shall be good and valid in law, to all intents and purposes.

Sec. 3. *Be it further enacted,* That the trustees of said town shall cause to be laid off into out-lots, the commons belonging to said town, for the use of the proprietors thereof, having due regard, at the same time, to which each individual owner or proprietor of lots in said town may have, and to divide the commons accordingly; and when so divided according to their respective interest, the trustees are hereby authorised to convey to each of said proprietors, agreeable to their respective interest in and to the in-lots of said town, by deed; which deed or deeds so made by said trustees, or a majority of them, to the proprietors thereof, shall be good and valid in law.

Common to
be laid off into
lots & divided.

All acts or parts of acts coming within the provisions of this act, shall be, and the same are hereby repealed.

CHAP. CCXII.

An ACT for the benefit of Mary M'Casland, formerly the wife and widow of Abel Channonhouse, deceased.

Approved November 22, 1821.

WHEREAS Abel Channonhouse, a native of Ireland, emigrated therefrom and resided at Shippingport, in the county of Jefferson in this state, at least ten years prior to the year 1816, and by purchases and deeds of conveyance for valuable considerations, acquired a right and title in fee simple to sundry lots in, and lands adjoining the town of Shippingport, of which he died in the actual possession, about the first day of July 1816; and whereas it is represented to the present general assembly, that the said Abel Channonhouse died without issue or relatives in

Recital.

the United States, resident in, or citizens thereof; that it was his will and desire, that his then wife, the said Mary, should, in exclusion of all others, have and enjoy forever all his real and personal estate, and made a nuncupative will to that effect, which was proved in the county court of Jefferson; and that the said Mary can find no legal evidence that the said Abel was ever naturalized, according to the laws of the United States: Therefore,

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That all the right, title and claim of this commonwealth, in and to the real estate of the said Abel Channonhouse, at the time of his death, or at any time since, arising from the supposed or actual alienage of the said Abel, be, and the same are hereby released to, and vested in the said Mary and her heirs and assigns forever. State's right of escheat vested in her.

CHAP. CCXIII.

An ACT for the benefit of the wife and children of Benjamin Herndon.

Approved November 22, 1821.

WHEREAS it appears that Benjamin Herndon, of Campbell county, is now, and has been for years, in a state of mental derangement and imbecility, utterly unable to provide support for his family, and incapable of attending to business; and that prior to his derangement, he had procured title to sixty five acres of land: And whereas it appears that great convenience and essential advantage would result to the wife and children of said Benjamin, were authority given to sell said tract of land: Therefore,

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Benjamin Stephens, the father of Polly Herndon, and the said Polly, the wife of the said Benjamin Herndon, be, and they are hereby appointed commissioners, for the purpose of negotiating and selling the said sixty-five acres, being the same whereon the said Benjamin and family now Recital.
Comm'rs, appointed to sell land.

Proceeds, how
to be disposed
of

reside ; and also, for the purpose of investing the proceeds of such sale in other lands in the neighborhood of said Benjamin Stephens ; and the said commissioners are hereby authorised to execute a conveyance by deed, covenanting to warrant the title of said sixty five acres of land against the heirs of said Herndon and all claiming under him.

Title of land
purchased,
how to be taken.

Sec. 2. And the title to the land so purchased by said commissioners, shall be taken to the said Benjamin Herndon and his heirs, in the same manner as if the said Benjamin were of sound mind, and were to make said purchase and take such conveyance himself.

Comm'rs to
give bond.

Sec. 3. Before the commissioners aforesaid shall be authorised to act in this behalf, they shall enter into bond, in the office of the circuit court of Campbell county, with security, to be approved of by the clerk of said court, in the penalty of two thousand dollars, for the faithful discharge of the duty and trust hereby conferred upon them as commissioners aforesaid.

CHAP. CCXIV.

An ACT for the benefit of Hardy Weatherspoon.

Approved November 22, 1821.

Preamble:

WHEREAS a patent has issued to Hardy Weatherspoon, assignee of Jesse Roland, assignee of Jesse Enniss, for three hundred acres, on a Warren county court certificate, No. 1422; alias 1432, which said patent does not cover the land as actually surveyed, and bears date the 18th day of October 1820: For remedy whereof,

Register to
cancel patent.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the register of the land office be, and he is hereby authorised and required to receive the original patent which has thus issued erroneously, and cancel the same, and likewise make a note in the record of said patent, declaring the same void and of no effect.

Sec. 2. *Be it further enacted,* That said Hardy Patent to issue Weatherspoon, assignee, be, and he is hereby authorised to return a corrected copy of said survey, as made and recorded in the surveyor's office of Allen county, (formerly Warren county,) and the register shall receive the same and issue a patent thereon as in other cases : *Provided,* that said survey shall not include any other land but that which was actually surveyed and marked at the time of making the original survey, and of which the courses were mistaken by the surveyor.

CHAP. CCXV.

An ACT to amend the Act reserving certain Property from Execution.

Approved November 22, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That every species of property now exempted by law from execution, shall, and the same is hereby exempted from sale by administrators ; and such property so exempted shall not be considered as assets in the hands of such administrator or administrators, but shall be reserved to the widow and heirs, (if any,) under the provisions of the laws regulating the distribution of estates.

Sec. 2. This act shall have no effect on any contract made or entered into previous to the first day of March next.

Certain property not to be considered assets, but to be reserved to the widow.

Not to apply to contracts made heretofore.

CHAP. CCXVI.

An ACT to prevent any further subscription on the part of the State for Bank Stock.

Approved November 22, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of all laws relative to the Bank of Kentucky, as authorises and requires the executive and treasurer of this commonwealth to subscribe, in behalf of the state, for shares in the capital stock of said bank, shall be, and the same is hereby repealed.

CHAP. CCXVII.

An ACT concerning the Seminaries in the Counties of Monroe, Perry, Jefferson and Simpson.

Approved November 22, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That Radford Maxey, Edward Maxey and Abijah T. Marrahe, and they are hereby appointed trustees of the seminary of learning in the county of Monroe, in addition to those already appointed as trustees.

Additional trustees appointed to the Monroe seminary.

SEC. 2. *Be it further enacted,* That Jesse Bowlin, Charles Smith, Robert Brashers, Stephen Hogg and William Stamper. be. and they are hereby appointed trustees of the seminary of learning in the county of Perry. And the trustees in the said county of Perry, and their successors, shall have power to locate, survey and carry into grant, six thousand acres of any land which by law is subject to similar appropriations, in the names of the trustees of said seminary and their successors; and shall have power to sell and convey the said land, or any part or parts thereof.

Trustees appointed to the Perry seminary.

To locate, survey and carry into grant six thousand acres of land, and to sell the same, if necessary.

SEC. 3. *Be it further enacted,* That a majority of the trustees for the said counties of Monroe and Perry, shall constitute a board for their respective seminaries aforesaid, to transact any business appertaining to said seminaries, and to fill any vacancy which may happen in their body.

Majority of the trustees to form a board.

SEC. 4. *Be it further enacted,* That when the trustees of the Jefferson seminary, in Jefferson county, shall, by death, resignation or otherwise, be reduced to the number of seven, thereafter that shall be the number of trustees for said seminary; and a majority thereof shall at all times constitute a board for the transaction of business for said institution.

The trustees of Jefferson seminary to be hereafter reduced to seven

SEC. 5. *Be it further enacted,* That Stephen Beauchamp, John Hale, Davis Hardin, Ebenezer Dickey, Jesse Millican, John M. Robinson, John R. Smith, John M'Gooden and John A. Crowders, be, and they are hereby appointed a board of trustees for the seminary of learning in

Trustees appointed to the seminary in Simpson.

the county of Simpson, and are hereby invested Their powers, with equal powers and privileges, and to be gov. &c. erned by the same rules and regulations as the trustees of the seminary of learning for the county of Monroe.

CHAP. CCXVIII.

An ACT to establish Election Precincts in certain Counties.

Approved November 23, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of Bourbon county, contained within the following bounds, viz. Beginning where the Winchester road, leading from Paris, crosses the Clarke county line; thence with said road to the Ironworks road, near Stony Point meeting-house; thence with the Ironworks road to Strode's creek; thence with said creek to Stoner; thence with Stoner to M'Cormack's mills; thence with M'Cormack's mill road to Caneridge meeting-house; thence on a straight line to where the Upper Blue Lick road leading from Paris crosses the Barnett's mill road leading to North Middletown; thence with said road to Barnett's mills on Hinkston; thence up Hinkston with the Nicholas county line to the Montgomery line; thence with the Montgomery and Clarke county lines to the beginning, shall be, and the same is hereby established an election precinct; and all the qualified voters living in said precinct, may, at all elections, meet and vote at the house now occupied by William Adairs, in North Middletown, in said precinct.

Precinct in Bourbon county.

Elections to be held in North Middletown.

SEC. 2. *Be it further enacted.* That the county court of Bourbon shall, at the time of appointing a clerk and judges to preside at elections at the court house, appoint a clerk and judges to conduct the elections in the aforesaid precinct; and if either of the judges or clerk shall fail to act, the vacancy shall be filled in the manner prescribed by law in similar cases.

County court of Bourbon to appoint judges and clerk to conduct the election therein

sheriff of said county to conduct the election & to compare the polls at the court-house.

Sec. 3. *Be it further enacted*, That the sheriff of said county shall, by himself or deputy, attend and conduct the elections in said precinct, according to the rules now prescribed by law; and shall, on the Thursday succeeding the elections, meet at the court-house in said county, and on comparing the polls, shall give a certificate and make the return required by law.

Precinct in Floyd county.

Sec. 4. *Be it further enacted*, That all that part of Floyd county, included in the following bounds, to wit: Beginning at the mouth of Daniel's creek, and up the same to the head thereof; thence a straight line to Samuel James', on John's creek; thence up said creek, including the inhabitants on both sides thereof, to Henry Pinson's; thence a straight line to James Honaker's, on Sandy river; thence to the head of Mud creek; thence to the beginning, shall be, and the same is hereby erected into an election precinct in said county; and the qualified voters in said precinct shall meet at the house of Thomas Whittons, in said precinct, for the purpose of voting at all legal elections.

Elections to be held at Thos. Whitton's.

Floyd county court to appoint judges & clerk to conduct election.

Sec. 5. That the Floyd county court shall, at the time they appoint clerks and judges for the balance of said county, appoint a clerk and judges to preside at the election to be held in said precinct; and it shall be the duty of the sheriff of said county to attend said precinct, by himself or deputy; and the said sheriff, clerk and judges shall be, in all cases, governed by the same rules and regulations as are prescribed in other elections: *Provided, however*, that nothing in this act shall prohibit the voters in said precinct from voting at any other precinct in said county.

The sheriff to preside.

Previso.

To compare the polls at the court-house.

Sec. 6. That the sheriff who shall preside at the election in said precinct, shall meet the sheriff who presides at the court house, on the day prescribed by law for comparing the polls in said county.

Precinct in Trigg county.

Sec. 7. *Be it further enacted*, That all that part of the county of Trigg, which lies south of the Cumberland river, shall be, and the same is formed into an election precinct, which shall be

known by the name of Grace's Precinct; and the place of holding the election in the same shall be at the dwelling-house of Allen Grace. And hereafter it shall be the duty of the county court of Trigg, when they sit for the purpose of appointing clerks and judges for the election in said county, to appoint a clerk and judges for the precinct hereby established; and in case of vacancy in either of the officers of the election, the vacancy shall be filled as is by law directed in similar cases; and it shall be the duty of the sheriff of Trigg, by himself or deputy, to attend said precinct, and preside over the same as in other cases whereby election precincts are established by law.

Elections to be held at Allen Grace's.

County court to appoint clerk and judges of election.

Sheriff or his deputy to attend the precinct election.

Sec. 8. *Be it further enacted*, That the sheriff of the county of Trigg, shall, as heretofore, meet at the court-house at Hopkinsville, with the polls of the county of Trigg, and compare the same as heretofore directed by law. But nothing in this act shall be so construed as to prevent any citizen residing within the boundary of said precinct, from voting at the court house in Trigg: *Provided*, he will, if required, take an oath that he has not voted at the precinct hereby established.

Votes to be compared at Hopkinsville.

Provided.

Sec. 9. All that part of Harrison county, included within the following bounds, to wit: Beginning where the road from Cynthiana to Falmouth crosses Curry's run; thence along the new state road to the Pendleton county line; thence with the Pendleton, Bracken and Nicholas county lines to where the Nicholas county line crosses Main Licking, near the mouth of Crooked creek; thence down Main Licking to Marble's old mill; thence along the road from said mill to Cynthiana, to William Raymond's; thence with the road from William Raymond's to the road from Cynthiana to Marysville, to where it intersects the said road at Thomas Clough's; thence along the road from Marysville to Cynthiana, to the fork below Richard Douglass'; thence from the fork along the road to Keith's mill, to where the same crosses the head waters of Curry's run; thence down Curry's run to the

Precinct in Harrison county.

Elections to be held at John Whitehead's, in Marysville.

beginning, shall be, and the same is hereby declared an election precinct in Harrison county; and the election shall be held at the house of John Whitehead, in the town of Marysville, and all the qualified voters in said precinct; may, at all elections, meet and vote at the aforesaid place.

County court to appoint judges & clerk of the election in the precinct

Sec. 10. The county court of Harrison shall, at the time of appointing a clerk and judges to preside at elections at the court-house, appoint a clerk and judges to conduct the election in the aforesaid precinct; and if either of the judges or clerk shall fail to act, the vacancy shall be filled in the manner prescribed by law in similar cases.

Sheriff or his deputy to conduct the election therein, & compare votes at the court-house.

Sec. 11. The sheriff of said county shall, by himself or deputy, attend and conduct the election in said precinct, according to the rules now prescribed by law, and shall, on the Thursday succeeding the election, meet at the court-house in said county, and on comparing the polls, shall give a certificate and make return according to law. But nothing in the ninth section of this act shall be so construed as to prevent any qualified voter, residing in the boundary of said precinct, from voting at the court house in Harrison county: *Provided*, he will, if required, take an oath that he has not, at the then election, voted at the precinct hereby established.

Proviso,

CHAP. CCXIX.

An ACT to amend an act entitled "an act to establish the County of Perry."

Approved November 23, 1821.

Comm'rs to fix the seat of justice, and their duty.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That Elisha W. Smith, of Rockcastle; Burton Litton, of Whitley; Claiborne W. White, of Clay, and Thomas Johns and Peter Emmix, of Floyd, shall be, and are hereby appointed commissioners to fix on a place for the seat of justice for the county of Perry; who shall meet at the house of Elijah Combs, on the first day of the spring circuit court for said county, or so soon thereafter as may be practi-

cable, and from their own knowledge, or the best information they may be able to obtain. shall select a place for the permanent seat of justice for said county, a majority concurring therein. having due regard to the convenience of the inhabitants. And the said commissioners having selected a place for the permanent seat of justice of said county, shall certify the same to the county court, who, at their first session after the report of said commissioners shall have been lodged with their clerk, or so soon thereafter as may be practicable, shall proceed to appoint five trustees, whose duty it shall be to lay off a town at the place fixed on by the commissioners for the permanent seat of justice for said county; and having set apart such portion of ground as they may think necessary for the erection of public buildings for said county, shall lay off the residue of the land so appropriated into convenient town lots, streets and alleys, and shall proceed to sell the said lots at public auction, for the best price that can be had, on such terms of payment, and in such proportions as they may deem most advantageous, giving public notice of the time and terms of sale, and causing the same to be made at the place fixed on for the seat of justice for said county.

The county court to appoint trustees to lay off a town, sell the lots, &c.

Sec. 2. The said commissioners shall, before they enter on the duties delegated to them by this act, take an oath before some justice of the peace for said county, to act impartially, to the best of their judgment, in discharge of their duties; and the commissioners, before they fix on a place for the seat of justice for said county, shall obtain from the owner or owners of the land on which they propose to fix the said seat of justice, his or their assent thereto, and a declaration in writing, containing the terms of agreement with the commissioners, together with an obligation in writing to the justices of the county court, that the said owner or owners will, upon the appointment of trustees by the said court, under the provisions of this act, convey to the said trustees or their successors in office, the legal title to at least ten acres of land, to be by them the said trustees laid off into a town, and sold as directed by this act;

Comm'rs to be sworn.

Their duty upon receiving propositions for the site of the seat of justice.

and the amount of the proceeds of the sale of said lots to be appropriated in erecting the public buildings for said county.

Comm'rs' pay. Sec. 3. It shall be the duty of the said county court to allow the said commissioners the sum of two dollars per day, each, for the time they may be necessarily engaged in discharging of their duties, to be paid out of the county levy, or any depositum in the hands of the sheriff.

County court to fill vacancies in board of trustees, and duty of trustees. Sec. 4. The county court shall, from time to time, have full power to fill vacancies that may happen in the board of trustees. That the trustees, before they enter upon the duties assigned them by this act, shall take an oath before some justice of the peace of said county, well and truly to discharge the duties of trustees, so long as they continue in office, to the best of their knowledge and ability; and it shall be the duty of the trustees to convey to the purchasers, the lots sold, so soon as the consideration shall be paid; and from time to time to pay over to the county court, or their order, all sums of money they may collect or receive.

Lower election precinct established in said county. Sec. 5. That all that part of the county of Perry which lies below the mouth of Caney creek and the waters tributary to the North Fork, shall be constituted and deemed an election precinct for said county, and shall be called the Lower Precinct; and the elections therein shall be held at the house of Mrs. Haddix, near the mouth of Troublesome creek.

Elections to be held at Mrs. Haddix's. Sec. 6. That all that part of the county of Perry which lies above the mouth of the said Fork, shall be deemed and constituted an election precinct for the county of Perry, to be called and known by the name of the Upper Precinct; and the elections therein shall be held at the house of Thomas Mallet: *Provided*, that the voters residing in the bounds of either precinct, shall have the privilege of voting at any other place at which elections may be held in said county—subject, however, to all penalties for voting twice at elections.

Elections for the residue of Sec. 7. That the residue of the voters of the county of Perry shall vote at the house of Elijah

Combs, until the seat of justice is permanently fixed on; and thereafter, at the place selected for the seat of justice for said county.

Sec. 8. The county of Perry shall vote with, and be attached to the county of Clay, for the election of a representative to the general assembly, until the apportionment of the representation—the polls to be compared at Manchester, on the Monday ensuing the election; and the county of Perry shall also be attached to the thirty-first senatorial district, for the election of a senator for that district, until the next apportionment of the representation, and the polls to be compared at the same time and place as is now prescribed by law.

the county to be held at E. Combs'.

How the county is to vote for representatives.

Attached to 31st senatorial district.

Polls to be compared at Manchester.

CHAP. CCXX.

An ACT concerning the Towns of Madisonville and North Middletown.

Approved November 30, 1821.

WHEREAS it appears from the petition and representation of the lot-holders of the town of Madisonville, in the county of Hopkins, that through some inadvertence or mistake in the surveyor who originally laid off the town of Madisonville, the beginning corner of said town cannot be found: For remedy whereof,

Recital.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the following shall be established as the beginning corner of said town, to-wit: Beginning at the centre of Main street and Main Cross street, where they cross each other, Main street being south thirty minutes west, to Hopkinsville; Main Cross street north eighty-nine degrees thirty minutes west, to Steuben's lick; Main street north thirty minutes east, to the Red-Banks; Cross street south eighty-nine degrees thirty minutes east, to Smith's Bridge. The said corner to be at a stone planted for that purpose.

The beginning corner of Madisonville established.

Sec. 2. *Be it further enacted,* That the trustees of said town shall be, and they are hereby authorized to receive and record the survey and plan

Survey & plan of said town to be recorded.

of said town, agreeable to the boundaries above described, which shall be as good and valid, to all intents and purposes, as if the plan of the same had not been lost or mislaid.

Election for trustees in N. Middletown, to take place in the month of June, annually.

Sec. 3. *Be it further enacted*, That the citizens of the town of North Middletown, in Bourbon county, shall hereafter elect their trustees on the second Monday in June, annually; and be under the same rules and regulations as heretofore prescribed by law.

CHAP. CCXXI.

An ACT for the relief of the Sheriffs of Green and Monroe Counties.

Approved November 30, 1821.

Recital.

WHEREAS it is represented to the present general assembly, that the sheriff of Green county, owing to sickness of himself and his deputies, has not been able to collect the revenue tax for said county, due for the year 1820, in the time prescribed by law, and has petitioned for an extension of the time to collect and account for said revenue tax into the public treasury: Wherefore,

Time given to the sheriff of Green to pay up revenue, &c.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said sheriff of Green county shall have until the first day of April next, to pay into the public treasury the amount of the revenue tax for the year 1820, due from the county of Green; and upon the said sheriff making such payment into the treasury, by the time aforesaid, he shall be free from the damages or interest imposed by law on sheriffs for failing to pay the revenue tax into the public treasury; and the said sheriff shall have the further time of four months, from and after the passage of this act, to make out and have his list of delinquents and insolvents certified to the auditor of public accounts.

Time given to the sheriff of Monroe to pay revenue, &c.

Sec. 2. The sheriff of Monroe county, shall have the further time of four months, from the passage of this act, to pay over to the treasurer the amount of revenue that is due from the said

county ; and also the further time of two months, to make out and return his delinquent list.

CHAP. CCXXII.

An ACT for the benefit of Jesse Walker.

Approved November 30, 1821.

WHEREAS it has been represented to the present general assembly, that Jesse Walker conceives he has discovered a valuable salt prospect, on vacant and unappropriated land, of little value, in Whitley county, on Cumberland river ; and that he is desirous of appropriating five hundred acres, including said salt prospect :

Recital

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Jesse Walker may, on or before the first day of June next, cause to be surveyed by the surveyor of Whitley county, any quantity of vacant and unappropriated land, not exceeding five hundred acres, in a square, or one third longer than wide, as near as the adjoining claims will permit, to lie on both sides of Cumberland river, above what is called the Horse Shoe of said river, to adjoin a tract of land owned by William Fornay on said river ; and that he doth, on or before the first day of January 1823, return to the register's office a plat and certificate of the survey ; and by paying into the treasury of this commonwealth, within three years from the first day of January next, ten dollars for each hundred acres in said survey, and producing the auditor's quietus to the register therefor, he shall issue a grant for said land as in other cases.

May enter, survey & carry into grant 500 acres of vacant land, in Whitley county, upon certain conditions

CHAP. CCXXIII.

An ACT for the divorce of William Spangler, Samuel Campbell and Elizabeth Wells.

Approved November 30, 1821.

WHEREAS it is represented to the present general assembly, that Nancy Spangler, the wife of William Spangler, when he married her, was

Recital as to Spangler and Campbell.

pregnant by another man, of which said William was ignorant : That Mary Campbell, the wife of Samuel Campbell, was, in a short time after their marriage, delivered of a colored child ; for which their husbands have severally prayed to be divorced : Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the marriages between the parties aforesaid, shall be, and the same are hereby totally dissolved.

E. Wells.

Sec. 2. That Elizabeth Wells be, and she is hereby divorced from her husband, David T. Wells ; and she shall be, and is hereby restored to all the privileges and immunities of a *feme sole*.

CHAP. CCXXIV.

An ACT to amend the act more effectually to suppress the practice of Duelling.

Approved November 30, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That whenever it may become necessary, hereafter, for any person to take an oath of office, or the oath to be taken by all who are admitted to the practice of the law within this commonwealth, the said oath shall be, " That he had not sent or accepted a challenge to fight in single combat, with any deadly weapon, nor that he had been the bearer of a challenge for another, since the first day of September 1821 ; and that he will not, during his continuance in office, give, accept, or knowingly carry a challenge to fight in single combat or otherwise, with any deadly weapon, either in or out of this state ;" any law, usage or custom to the contrary notwithstanding.

Oath to be taken by all officers and attorneys at law.

CHAP. CCXXV.

An ACT declaring Big Barren River further navigable.

Approved November 30, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after

the passage of this act, Big Barren river shall be a navigable stream, remain open and unobstructed for the purpose of navigation, from the mouth of Long creek up said river to the mouth of Line creek; and any person or persons erecting or causing to be erected, any bridge, or mill-dams, or other obstructions to the passage of boats up or down said stream, shall, for every such offence, forfeit and pay the sum of five dollars to the person aggrieved, to be recovered before a justice of the peace, for every twenty-four hours such obstruction or obstructions shall remain: *Provided, however,* that no mill dam or dams now on said river, shall be affected by this act.

From the mouth of Long creek to the mouth of Line creek.

Penalty for obstructing the navigation.

Provided.

CHAP. CCXXVI.

An ACT for the relief of Nancy Garth.

Approved November 30, 1821.

WHEREAS it is represented, to the present general assembly, by Nancy Garth, that her late husband, Thomas Garth, whilst she lived with him, treated her in a harsh and cruel manner—so much so, that she could not live with him; that she sued for a divorce; on the hearing of the cause, her bill was dismissed, because the jury empannelled to find the facts, were of opinion the treatment was not so cruel and inhuman as actually to endanger her life; since which time, he has sued for and obtained a divorce, on the ground of her absence for the space of time required by law; wherefore she prays that the pains and penalties prescribed by the general law against the offending party, in cases where divorces are decreed, so far as relates to her case, be removed: Therefore,

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Nancy Garth be, and she is hereby released from so much of the act of 1809, entitled “an act regulating divorces,” as prohibits the offending party from contracting matrimony, under certain pains and penalties.

Permitted to contract matrimony.

CHAP. CCXXVII.

An ACT authorising an appropriation of Money to the President and Managers of the Louisville Hospital.

Approved November 30, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That ten thousand dollars be, and the same is hereby appropriated for the erection of a Hospital at Louisville; and that the same be paid to the president and managers thereof, out of any money in the treasury not otherwise appropriated.

CHAP. CCXXVIII.

An ACT to remove the Seat of Justice of Owen County.

Approved November 30, 1821.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky. That John Morris and Jacob Swigert, of the county of Franklin; Thomas Stevenson, of the county of Woodford; Thomas H. Bradford, of the county of Scott, and Joseph K. Glenn, of the county of Pendleton, be, and they are hereby appointed commissioners, who, or a majority of them, are to meet at Heslersville, in the county of Owen, on the second Monday in January next, or as soon thereafter as may be practicable, and from thence proceed to explore said county, and fix on the most eligible situation, as near the centre of said county as may be practicable, for the permanent seat of justice thereof; and said commissioners are required particularly to view the country between Heslersville and the forks of said road at Frederick Wymer's, and if in their opinion any place between the said forks, or at either of said forks, should be eligible, that they locate the said seat of justice there, having due regard to the convenience of the inhabitants of the county, and the propositions made for the sale of the land on which it may be located; and the said commissioners, having fixed on a

Comm'rs appointed.

When & where to meet.

Their duties & powers.

place for the permanent seat of justice for the said county, shall certify the same, under their hands, to the county court of said county, who, at their first session after the report of said commissioners shall have been lodged with their clerk, shall proceed to appoint five trustees, whose duty it shall be to lay off a town at the place fixed on by the commissioners for the seat of justice for the said county; and having set apart such portion of ground as they may think necessary for the erection of public buildings for said county, shall lay off the residue of the land appropriated for the purpose of a town, into convenient lots, streets and alleys, and proceed to sell the said lots at public auction, for the best price that can be had for them, on such terms of payment, and in such proportions as they may deem most advantageous to the county and the person or persons interested in said sales, giving public notice of the time and terms of such sale or sales, and causing the sale to be made at the place fixed by the commissioners aforesaid.

To certify location to the county court.

Trustees to be appointed, and to lay off a town.

Lots to be sold

Sec. 2. The said commissioners shall, before they enter upon the duties delegated to them by this act, take an oath, before some justice of the peace in said county, to act impartially and justly, to the best of their judgment, in the discharge of their said duties. And the said commissioners shall, before they fix on a place for the permanent seat of justice for the said county, obtain from the owner or owners of the land on which they propose to fix the said seat of justice, his or their assent thereto, and a formal declaration thereof in writing, containing the terms of his agreement with the commissioners, together with an obligation in writing, to the justices of the county court of said county, that the said owner or owners will, upon the appointment of trustees by the said court, under the provisions of this act, convey to the said trustees and their successors in office, the legal title to at least fifty acres of land, surrounding or adjoining the place so fixed on by the said commissioners, to be by them, the said trustees, laid off into a town, and sold as directed by this act.

Comm'rs to take oath.

To receive proposition

To be in writing.

Trustees to receive title.

Comms may
receive contri-
butions.

How may be
recovered.

Proceeds of
donations, how
to be applied.

Courts to be
moved.

Sec. 3. Any person or persons who may be desirous of contributing to the erection of the public buildings of the said county; or to induce the erection thereof on or adjacent to their lands, may, at any time before the decision of the commissioners aforesaid, make proposals in writing, specifying particularly therein what quantity of land or sum of money he, she or they will give to the county court of the said county, for the purpose of aiding in the erection of the public buildings, and on what terms; which proposal shall be addressed to the said commissioners, and lodged with the clerk of the county court of said county, to be by him delivered to the said commissioners, and by them examined, and then returned to said clerk; which proposals, when the terms thereof shall have been acceded to, shall be binding and obligatory upon the person or persons making the same, and may, if not complied with, be sued on by the justices of the said county court; and the amount or value thereof recovered by action in the circuit court of the said county, or if the sum does not exceed fifty dollars, to be recoverable before a justice of the peace.

Sec. 4. If any part of the land proposed to be laid off into town lots, under the provisions of this act, other than the part appropriated for the public buildings, shall, by the owner or owners thereof, have been offered and accepted by way of donation or otherwise, to the county, for the purpose of aiding in the erection of the public buildings, or by way of inducement to the establishment of the seat of justice at a particular place, the proceeds of the sale of that proportion of the said lots so offered and accepted, shall be appropriated by the justices of the county court to the erection of the public buildings, and for that purpose shall be subject to their order and disposition; and the residue of the proceeds of the said sales shall be paid to the proprietor or proprietors of the land on which the said town shall be established.

Sec. 5. Upon the establishment of the permanent seat of justice in and for the said county, the county court thereof shall meet and hold their

county court next succeeding the court before whom the report of commissioners has been laid, at the place fixed on by the commissioners; and the circuit and county court shall at all times thereafter meet and hold their respective courts at the aforesaid place, or so near thereto as a convenient house can be procured, until the public buildings are completed; and it shall be the duty of the county court to proceed forthwith to erect there, all the public buildings required by law.

Sec. 6. The place fixed on by the commissioners aforesaid, shall, from and after the certificate thereof shall have been filed with the county court, be and remain the permanent seat of justice of said county. When removal to take effect.

Sec. 7. It shall be the duty of the said county court to allow to the commissioners three dollars per day, each, for their services, and to pay the same, together with all other expences necessary for effecting the objects of this act, out of the county levy, or out of any depositum that may be in the hands of the sheriff. Comm'rs' allowance.

Sec. 8. The county court shall have full power, from time [to time,] to fill vacancies that may happen in the board of trustees; that the trustees, before they enter upon the duties assigned them by this act, shall take an oath, before some justice of the peace of said county, well and truly to discharge the duties of trustees, as long as they continue in office, to the best of the knowledge and ability; and it shall be the duty of the trustees to convey to the purchasers, the lots sold, so soon as the consideration shall be paid; and from time to time to pay over to the county court, or to their order, all sums of money they may collect or receive, and any donations made to said county, and also for all lots and sale of land donated to said county, and at all times to settle and account to said court, or their commissioners appointed for that purpose; and, if required, to file with the clerk of said court all notes or bonds they may have taken for the sale of said lots, and other bonds that may be given County court to fill vacancies in board of trustees.
Trustees to convey lots.
County court to control funds.

for the payment of money or property, as donations to the said county.

Public ground
in Heslersville
to be conveyed
to former pro-
prietor.

Sec. 9. Upon the seat of justice in and for the county of Owen being removed from Heslersville, the public square shall revert back to Daniel M'Carty Payne, the grantor who conveyed the said public square to the county court of Owen; and the clerk of the said court is hereby ordered and directed, by sufficient deed, to convey to said Payne the square aforesaid, according to said Payne's deed to the county court of Owen, reserving to said county court the right of selling, removing or otherwise disposing of the jail now standing upon said square.

CHAP. CCXXIX.

An ACT for the benefit of the Sheriff of Caldwell County.

Approved November 30, 1821.

Recital.

WHEREAS it is represented to the present general assembly, that William Byrdsong, sheriff of Caldwell county, has, by the neglect of the commissioners of tax, and from the sickness of himself and deputy, been prevented from returning his delinquent list of revenue tax for 1819, amounting to thirteen dollars twelve cents, and has been prevented, by the same causes, from collecting a delinquent list placed in his hands by the auditor, amounting to five dollars eighty-nine cents, and the auditor refuses to receive and allow the lists: Therefore,

Allowed further time to return delinquent lists.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said William Byrdsong is hereby allowed further time until the fifteenth day of January next, to return said delinquent lists; and the auditor of public accounts, on the said lists being properly certified, shall receive the same, and credit him with the amount in his settlement for the collection of the revenue for the year 1820.

CHAP. CCXXX.

An ACT to legalize the proceedings of the Floyd County Court.

Approved November 30, 1821

WHEREAS it is represented to the present general assembly, that the Floyd county court did, at their last May term, appoint a collector of the county levy for the year 1821; also, the sheriff of said county entered into and executed bond; and doubts have arisen whether said proceedings are legal: Therefore, Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the proceedings as aforesaid, of the Floyd county court, at their last May term, shall be, and the same are hereby declared legal, valid and operative, to all intents and purposes, as if the same had been done at the time prescribed by law. Proceedings legalized.

Sec. 2. The sheriff of Floyd county shall have until the first day of January next, to pay over and account for the balance of the county levy of said county for the year 1821, which may be due and uncollected, at any time when said sheriff or his deputies, who may have the collection of said levy, shall have filed an affidavit in the clerk's office of said county, sworn to by said sheriff or his deputies, stating the amount of said levy by him or them so collected. Further time allowed the sheriff, &c.

CHAP. CCXXXI.

An ACT authorising the Keeper of the Penitentiary to build a Smoke-House.

Approved November 30, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the keeper of the penitentiary house be, and he is hereby authorised to erect a smoke house, of brick or stone, within the walls of the penitentiary, and employ the labor of the convicts, as far as practicable, in aid of said building; and for any balance, the agent of the penitentiary is hereby directed to

pay out of the funds of the institution, for which sum he shall be entitled to a credit with the auditor of public accounts.

CHAP. CCXXXII.

An ACT for the benefit of the heirs of Patrick H. Rice.

Approved November 30, 1821.

Preamble.

WHEREAS, it is represented to the present general assembly, that Patrick H. Rice, late of Livingston county, died considerably in debt, and leaving considerable real estate; that his personal estate is not sufficient to pay his debts; that his heirs are infants, incapable of selling the real estate, and that it would be greatly to the interest of his heirs, as well as his creditors, for so much of his real estate to be sold as will be sufficient to pay his debts, after first exhausting the personal estate: Therefore,

Land may be sold, and regulations to govern comm'rs.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That Benjamin G. Rice and James H. Rice, be, and they are hereby authorised to sell, either at public or private sale, for the best price that can be had, at a credit of six, twelve and eighteen months, in three separate instalments as above, a tract of land the said decedant died seized and possessed of, near the town of Salem, in the county of Livingston, containing two hundred acres, more or less, the same formerly owned by Benjamin Hardin, and the same the decedant bought of John Berry; and the proceeds of the sale to be applied to the payment of the debts of the said Patrick H. Rice, after first exhausting all the personal estate; and the said Benjamin G. Rice and James H. Rice are hereby authorised to convey to the purchaser or purchasers, the right and title of the said heirs of the said Patrick H. Rice, deceased, upon the payment of the purchase money: *Provided, nevertheless,* that the said Benjamin G. Rice and James H. Rice, before they proceed to sell under this act, shall enter into bond, in the clerk's office of the Livingston county court, with

Bond to be taken.

at least two good securities, to be approved of by the court, in the penalty of five thousand dollars, conditioned for the faithful discharge of the trusts reposed in them by this act; which bond shall be made payable to said heirs; that the money arising from such sale shall be applied to the payment of the debts of said Patrick H. Rice, deceased. And any deed or deeds executed by the said Benjamin G. Rice and James H. Rice, in pursuance of the powers vested in them by this act, shall be as binding on said heirs, and shall as absolutely transfer and convey such estate to the purchaser or purchasers, as if said heirs were of full age and had executed such deed or deeds in proper person: *Provided, how-* Provido res-
pecting dower
ever, that nothing in this act contained shall affect, in anywise, the right of dower of the widow of the deceased.

CHAP. CCXXXIII.

An ACT authorising the Keepers of Turnpike Gates to take up Strays.

Approved November 30, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the keepers of any turnpike gate in this state, to take up and post strays, under the same rules and regulations as are now provided by law for freeholders, and subject to the same fines, penalties and forfeitures.

CHAP. CCXXXIV.

An ACT for the relief of certain Sheriffs.

Approved December 1, 1821.

WHEREAS it is represented to the present Preamble
general assembly, that John M'Kinney, late deputy sheriff of Jessamine county, has been compelled to pay militia fines to the paymaster of the ninth regiment of Kentucky militia, without having credit for the insolvents and persons remoy-

ed, for which he was entitled: For remedy whereof,

J. M'Kinney, of the Commonwealth of Kentucky, That the said sheriff of Jessamine, relief of.

Duty of paymaster & commandant.

Sec. 1. *Be it enacted by the General Assembly* of the Commonwealth of Kentucky, That the said John M'Kinney, deputy for John Hawkins, late sheriff of Jessamine county, may make out a list of the insolvents and of persons removed from said county, and which were contained in the lists of militia fines of the ninth regiment of Kentucky militia, assessed in the year 1814, and put into the hands of said M'Kinney for collection in 1815, the amount of which he has been compelled to pay, by a judgment and execution; and upon his making oath to a list of said delinquents, and presenting it to the commandant of the regiment, it shall be his duty to direct the paymaster of said ninth regiment to credit the said M'Kinney with whatever sum (if any) may yet appear to be due on said judgment or execution against him, and which may be covered by said list of insolvents or persons removed; and it shall moreover be the duty of the commandant of said regiment to draw an order on the paymaster for the amount of fines which said M'Kinney may have been compelled to pay, and for which he should have been entitled to a credit, from the list returned.

Further duty of paymaster.

Sec. 2. The paymaster of said regiment shall pay to said M'Kinney the amount of said order out of any money in his hands, arising from militia fines, unappropriated after settling all other just claims against said regiment, now existing; and if the funds in the hands of said paymaster shall not be sufficient, the said order shall be paid by him out of the first money which he may receive on account of militia fines, reserving sufficient to satisfy said claims now existing.

Preamble.

And whereas it is further represented, that John Berry, late deputy sheriff of Livingston county, did receive for collection, the militia fines of the twenty-fourth regiment, for the year 1818, and at the time when the list of delinquents ought to have been returned, he was absent from the county, and failed to return the same; and

it appearing reasonable that he should not be compelled to pay them: Therefore,

Sec. 3. The said Berry shall have the further time until the 15th day of January next. to return his delinquent list of said fines for the year 1818; and upon his making out a list of the same, and making oath thereto, and presenting it to the commandant of the regiment, it shall be his duty to order the paymaster to credit him for the amount thereof.

Relief of John
Berry, late
deputy sheriff
of Livingston.

CHAP. CCXXXV.

An ACT to change the March Term of the Madison Circuit Court.

Approved December 1, 1821.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter the judge of the Madison circuit court shall hold an additional term of one week, for the trial of chancery causes only, which shall commence on the last Monday in February, annually.

SEC. 2. The March term of said court shall commence as heretofore, and continue in session two weeks only.

CHAP. CCXXXVI.

An ACT to increase and regulate the Judicial Districts.

Approved December 1, 1821.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the several counties within this commonwealth shall be laid off into judicial districts as follows, viz.

The first district shall be composed of the First, counties of Fleming, Mason, Lewis and Bracken.

The second district shall be composed of the Second, counties of Nicholas, Harrison, Pendleton, Campbell, Boone and Grant.

The third district shall be composed of the Third, counties of Fayette, Scott and Owen.

Fourth, The fourth district shall be composed of the counties of Franklin, Shelby, Henry and Gallatin.

Fifth, The fifth district shall be composed of the county of Jefferson.

Sixth, The sixth district shall be composed of the counties of Logan, Warren, Simpson, Butler, Allen and Todd.

Seventh, The seventh district shall be composed of the counties of Christian, Trigg, Caldwell, Livingston, and the county or counties to be formed below Tennessee river.

Eighth, The eighth district shall be composed of the counties of Green, Barren, Adair, Cumberland, Monroe and Hart.

Ninth, The ninth district shall be composed of the counties of Washington, Mercer, Jessamine and Woodford.

Tenth, The tenth district shall be composed of the counties of Madison, Clarke, Bourbon and Estill.

Eleventh, The eleventh district shall be composed of the counties of Floyd, Greenup, Bath and Montgomery.

Twelfth, The twelfth district shall be composed of the counties of Garrard, Lincoln, Casey, Wayne and Pulaski.

Thirteenth, The thirteenth district shall be composed of the counties of Nelson, Bullitt, Hardin and Grayson.

Fourteenth, The fourteenth district shall be composed of the counties of Breckinridge, Ohio, Daviess, Muhlenberg, Hopkins, Henderson and Union.

Fifteenth, And the fifteenth district shall be composed of the counties of Rockcastle, Whitley, Knox, Harlan, Perry and Clay.

Judges and attorneys to be appointed. Sec. 2. There shall be a circuit judge and commonwealth's attorney appointed for the fourteenth and fifteenth districts, who shall preside therein as in other cases, and shall receive the same compensation as is now allowed by law to such officers.

Not to affect the bank districts. Sec. 3. Nothing in this act contained shall in any way affect or change the bank districts, as at present located and established.

CHAP. CCXXXVII.

An ACT to prevent Horse-Racing on the Public Highways.

Approved December 1, 1821.

WHEREAS it is represented to the general assembly of the commonwealth of Kentucky, that divers citizens are in the habit of assembling themselves together on public highways, for the purpose of running horses, which tends greatly to the annoyance of many of the good citizens thereof, and frequently tends to the disturbance of travellers: Therefore,

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That if any person or persons shall hereafter be engaged in running a horse or horses, by way of practising said horse or horses for racing, or for running a race on any highway in this commonwealth, he or they shall be fined the sum of ten dollars, each, for every such offence, to be recovered by warrant before any justice of the peace in the county where the same may be committed; one half thereof for the use of the informer, the balance to be applied as is now directed by law; or by judgment of the circuit court, upon presentment or indictment found by a grand jury; and it shall be the duty of the circuit judges of this commonwealth to give this act in charge to the grand jurors, at each of the respective terms of their courts.

Preamble.

Racing on highways prohibited, and fine for the offence.

CHAP. CCXXXVIII.

An ACT to alter and fix the Terms of the Jefferson Circuit Court, and for other purposes.

Approved December 1, 1821.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the circuit court for the county and circuit of Jefferson, shall, in each and every year hereafter, commence and hold its terms as follows: The first common law term of said court, shall commence on the first Monday in March, and continue thirty juridical days; the second, on the first Mon-

March,

June, day in June, and continue twenty four juridical days; and the third, on the first Monday in September, and continue twenty-four juridical days, if the business of said court at said terms shall require it.

Chancery terms.

Sec. 2. Said court shall, in each and every year hereafter, hold two regular chancery terms, for the trial of chancery causes; one to commence on the third Monday in January, and continue thirty juridical days; the other on the first Monday in July, and continue twenty four juridical days, if the business at said terms shall require it.

Process made valid.

Sec. 3. All process made returnable to the terms of said court, as fixed by the act approved December 27, 1820, shall be returned to the terms fixed and appointed by this act, and be as good and valid, to all intents and purposes, as if the said process had originally been made returnable to the terms fixed and established by this act.

May order special chancery terms.

Sec. 4. Said court shall have power to appoint and assign additional terms, for the preparation and trial of chancery causes; which assignment and appointment, if made, shall be entered on the order-book of said court, at any of the terms before mentioned.

Sec. 5. The judge of the Jefferson circuit court shall not hold a term for the trial of chancery causes, in the month of December in the present year, as authorised and required by the act approved December 27, 1820.

CHAP. CCXXXIX.

An ACT for the benefit of Polly Power.

Approved December 5, 1821.

Preamble.

WHEREAS it is represented to the present general assembly, that some time in the year 1806, Polly Cash, daughter of James Cash, of the county of Floyd, intermarried with a certain James Montgomery; that they lived together some time, when it was reported that the said Montgomery was a married man, and had another

er wife living at the time he intermarried with the said Polly Tash; that the said Montgomery abandoned the said Polly, and absconded from the said county, and has never since returned; and that some time in the year 1814, near seven years after abandonment, the said Polly intermarried with a certain Halloway Power, with whom she now lives:

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage of the said Halloway Power and the said Polly, be, and the same is hereby legalized and made valid, to all intents and purposes, as it would have been, had the said Montgomery been dead, and the said Polly had been a feme sole, at the time of her said marriage with the said Halloway Power; and that the said Polly be, and is hereby exonerated from all pains and penalties in consequence of her said marriage with said Power.

CHAP. CCXL.

An ACT to amend an act entitled "an act to amend an act directing certain Surveyors to transcribe certain Entry Books."

Approved December 5, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of six months, be allowed, from the passage of this act, for the county court of Woodford to appoint commissioners, as required by an act entitled "an act directing certain surveyors to transcribe certain entry books," approved February 12, 1820; and such commissioners shall perform the duties, and receive the compensation prescribed by said recited act.

CHAP. CCXLI.

An ACT to revive the law providing for the appointment of Commonwealth's Attorneys.

Approved December 5, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the act enti-

And "an act providing for the appointment of commonwealth's attorneys," approved February 12, 1820, be, and the same is hereby revived and continued in force for two years from and after the 12th day of February next.

CHAP. CCXLII.

An ACT concerning the qualification of the President and Directors of the Bank of Kentucky on the part of the State.

Approved December 5, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky. That so much of any law now in force, as requires a president or director, on the part of the state, in the Bank of Kentucky, to be a stockholder, or the owner of any number of shares in said bank, before he shall act as such, be, and the same is hereby repealed,

CHAP. CCXLIII.

An ACT to amend an act entitled "an act for the benefit of Daniel Trabue and others."

Approved December 5, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Daniel Trabue and company be, and they are hereby authorised to return any plat or plats and certificates of survey, made agreeably to the before recited act; and the register of the land office be, and he is hereby authorised and directed to issue grants therefor, as in other cases, upon the said Trabue and company producing and filing the auditor's quietus therefor, at ten dollars per hundred acres, agreeably to said recited act.

CHAP. CCXLIV.

An ACT to regulate Appeals from Justices of the Peace to the County Courts.

Approved December 5, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of any act or acts, or parts thereof, as prohibits the county courts from continuing appeals beyond the second term, for good cause shewn, shall be, and the same is hereby repealed.

Appeals may be continued beyond the 2d term.

Sec. 2. The several county courts shall have full power, and they are hereby directed to correct any irregularity, in any part of the proceedings in appeals, previous to trial, so as to have the same fairly tried upon the merits.

Irregularity in proceedings, may be corrected by the courts.

Sec. 3. So much of all acts or parts of acts, directing a summons, with injunction, to be served ten days before the court next, after the appeal is taken, shall be, and the same is hereby repealed; and in all appeals hereafter taken from the judgment of a justice of the peace to the county court, the clerk of such court shall issue a summons, with injunction, as heretofore, which shall be served by the sheriff, or a constable, as other process, where the appellee resides within the county where the appeal is taken; and where the appellee resides in any other county than that wherein the appeal is taken, the summons shall be directed to the sheriff or any constable of such county where the appellee resides, and shall be served and returned in like manner: *Provided,* that appeals may be taken at any time within twenty days after the rendition of the judgment, and not afterwards.

How summons on an appeal is to be executed

Time of taking appeals limited to 20 days.

Sec. 4. All non-resident plaintiffs, either before a justice of the peace or in the county court, shall be compelled (on the motion of the defendant) to give security for costs, on or before the trial of his, her or their causes; and on the failure or refusal of such plaintiff to give security, the cause shall be dismissed. And any such non-resident plaintiff may, at the time of bringing suit, appoint some person within the county, as his, her or their agent or attorney, who shall be

Non-resident plaintiffs to give security for costs.

Non-resident plaintiffs may appoint an agent to receive notices.

fully authorised to give and receive notices, and upon whom summons shall and may be served; which shall be as good and valid in law, as if the same were served on the principal.

Proceedings
where no a-
gent is ap-
pointed.

Sec. 5. If any non resident plaintiff shall fail or refuse to appoint an agent or attorney for the purposes aforesaid, and give the opposite party notice thereof, it shall and may be lawful for the defendant or defendants, upon a return of the sheriff or a constable, on the summons, of *non est inventus*, to file in the office of the county court clerk, a written notice of the steps intended to be taken in any such cause, which shall be equal to a personal service of process or notice, and upon which the same proceedings shall be had as if the process or notice had been regularly served on the principal: *Provided, however*, nothing contained in this act shall be construed to authorise a trial of the cause, unless it shall appear that the summons on such appeal has been served on the appellee (if a resident of the state) ten days before the court to which it is set for trial; or in case he is a non resident, or where the process shall have been served in like manner on the agent or attorney of such non resident, if any there be, or notice filed in the office of the county court as aforesaid, at least ten days before the same shall be set for trial.

Proviso.

An appeal al-
lowed from
motions before
a justice, cor-
rect proceed-
ings or irregu-
larities before
such justice.

Sec. 6. When any person, by motion or otherwise, shall go before a justice of the peace to set aside any irregular proceedings had before him, or by the officer executing any process issued by him, and the party feeling injured by the decision of said justice, shall have the same right to appeal therefrom as is now allowed by law in civil cases; and the justice shall be, and he is hereby directed to send up a copy of all the papers and records relative to the matters in controversy, as in other cases.

CHAP. CCXLV.

An ACT for the benefit of Jesse Walker and others.

Approved December 5, 1821.

WHEREAS it has been represented to the Recital present general assembly, that Jesse Walker, Samuel Walker, Joel Walker, George Walker, Pleasant Walker and Elias Walker, are the proprietors of two tracts of land, adjoining, in Whitley county, on Gillicoe river; and that they conceive they have made a discovery of salt water on said land; and that they are desirous of appropriating more land, adjoining said tracts of land owned by them, for the purpose more effectually to enable them to manufacture salt: Wherefore,

Sec. 1. *Be it enacted by the General Assembly* 1000 acres of of the Commonwealth of Kentucky, That the said land may be Walkers may, on or before the first day of June appropriated next, cause to be surveyed, by the surveyor of for the benefit of salt-works, Whitley county, any quantity of vacant and un- by Walkers appropriated land, not exceeding one thousand acres, adjoining said claims, as near a square as the adjoining claims will permit; and that they do, on or before the first day of January 1823, return to the register's office a plat and certificate of survey; and by paying into the treasury of this commonwealth, within three years from the first day of January next, ten dollars for each hundred acres in said survey; and producing the auditor's quietus to the register therefor, he shall issue a grant for said land as in other cases.

Upon paying,
within 3 years,
\$10 per 100
acres.

Whereas it is represented to the present general assembly, that John Cotrel, Thomas Wyatt and Thomas Arthurs, jun. of Knox county, are engaged in boring for salt water in said county, on Little Poplar creek; that they have made considerable progress therein: Therefore,

Sec. 2. Said Cotrel, Wyatt and Arthurs shall have the exclusive privilege of entering and surveying any quantity of vacant and unappropriated land, not exceeding five thousand acres, within five miles of the place where they are engaged in said business; which surveys may be made John Cotrel & Co may appropriate 5000 acres in Knox county, for the same purpose, within 1 year,

to the exclusion of others. No survey to contain less than five hundred acres.

upon any such land, so as no survey shall be for less than five hundred acres.

The register to issue grants upon the payments of ten cents per acre.

Provide:

Sec. 3. The said Cotrel and Co. shall have the exclusive privilege of making such survey at any time within one year from and after the passage of this act; and that no entry or survey shall be made upon any of said reserved land, on any Kentucky land-office warrant, or any other manner, than agreeable to the provisions of this act; and after said surveys are made, the said Cotrel and Co. shall, at any time within two years from the passage of this act, be authorised to return their plat and certificate of survey to the register's office, who shall issue grants thereupon as in other cases, upon the said Cotrel and Co. paying into the public treasury ten cents per acre, and filing the auditor's quietus with the register for the same: *Provided, however,* that such surveys shall not interfere with any actual and *bona fide* settler at the passage of this act, one hundred acres around his, her or their improvement, leaving such improvement as near the centre as practicable.

CHAP. CCXLVI.

An ACT to add a part of Logan County to the County of Todd.

Approved December 5, 1821.

Bounds of the part of Logan added to Todd

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the first day of February next, all that part of the county of Logan, bounded as follows, to wit: Beginning on the Tennessee state line, where the present county line between Logan and Todd counties joins the same; thence east with the said state line, to a point on the same, which, running due north from said point, will strike the twenty-five mile marked tree, on the main road from Elkton to Russellville, ten miles from Logan court house; thence north to the Muhlenberg county line; thence with the same west to the present line between the counties of Todd and Logan, shall be, and the same is hereby added

to the county of Todd: *Provided, however, that* *Provided,* any suit or suits depending before any judicial tribunal, in law or equity, against any person or persons in that part of the said county of Logan, so stricken off and added to the county of Todd, on the said first day of February next, may be proceeded in, and prosecuted and defended as heretofore, in the court or courts of the said county of Logan. And the sheriff and other civil officers of Logan county, who may, on the said first day of February next, have any process in their hands against any such person or persons, may execute the same, and may also collect any taxes, fines or county levies, which on said day may be in their hands to be collected, in the same manner as if this law had not passed.

Sec. 2. *Be it further enacted,* That it shall be the duty of the surveyors of the counties of Todd and Logan, as soon as may be, to run and mark the line directed by this act, between the said counties of Logan and Todd, and make out two fair plats thereof, and return one of them to the clerk of the county court of Logan, and the other to the clerk of the county court of Todd, to be by them recorded in their respective offices; who shall be paid for their services in running said line and executing the plats, a reasonable compensation, out of the county levy of Todd, to be ascertained and allowed by the county court.

Division line between the counties to be run & marked, and plats to be recorded.

Mode of compensating the surveyors.

CHAP. CCXLVII.

An ACT for the benefit of Samuel Simpson and others.

Approved December 5, 1821.

WHEREAS, by the petition of Samuel Simpson, of Harlan county, it is represented to the present general assembly, that he, the said Simpson, is old, poor, and almost blind; that the small piece of land upon which he resides, has lately been taken by a speculator, to the great distress of said Simpson and family: Therefore,

100 acres of
land donated
to S. Simpson.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky.* That the register of the land-office be directed to issue to the said Samuel Simpson a land warrant for one hundred acres, without the state price being paid therefor; which warrant may be surveyed upon any vacant land within Harlan county, not otherwise appropriated; and on returning a plat and certificate of survey to the register's office, a grant shall issue as in other cases.

100 acres do-
nated to Su-
sanna Hardin.

Sec. 2. *Be it further enacted,* That the register of the land office be directed to issue to Susanna Hardin, widow of Josiah Hardin, deceased, a land warrant for one hundred acres of land, for the benefit of her and her children, without the state price being paid therefor; which warrant may be surveyed upon any vacant land within the county of Madison; and on returning a plat and certificate of survey to the register's office, a grant shall issue as in other cases.

50 acres to Sa-
muel Curtis.

Sec. 3. *Be it further enacted,* That the register of the land-office be, and he is hereby directed to issue a land office warrant to Samuel Curtis, of Whitley county, or his heirs, for fifty acres of land, without the state price being paid for the same; which warrant may be surveyed upon any vacant land within said county of Whitley; and on returning a plat and certificate of survey to the register of the land-office, a grant shall issue as in other cases.

50 acres to W.
Prewitt.

Sec. 4. *Be it further enacted,* That the register of the land office do, upon application, issue a land warrant to William Prewitt, sen. for fifty acres of land, without the state price being paid therefor; which warrant may be surveyed upon any vacant land lying within the county of Whitley; and on returning the plat and certificate of survey to the register's office, a grant shall issue as in other cases.

10 acres to J.
Dougherty.

Sec. 5. *Be it further enacted,* That the register of the land office is authorised and directed to issue a land warrant for ten acres, upon application of Jane Dougherty, without paying the state price for the same; and the said Jane Dougherty is authorised to survey the same upon any un-

appropriated land in Rockcastle county; and the register is authorised to issue a patent as in other cases.

Sec. 6. *Be it further enacted*, That the register of the land office is authorised and directed to issue a land warrant for two hundred acres of land, to Samuel Kirkham, of Daviess county, which he may have surveyed on any waste and unappropriated land in this commonwealth; and on a plat and certificate of survey being returned to the register, he shall receive and register the same, without fee, and issue a grant as in other cases; which said land shall descend, at his death, to the widow and heirs of Henry Kirkham: *Provided*, that the land warrant issued under the provisions of this act, shall not be surveyed on the lands lately purchased of the Indians, or so as to prejudice the prior rights of any person or persons whatsoever: *Provided, however*, that nothing in this act contained shall affect any actual settler, with one hundred acres around and adjoining his settlement. 200 acres to S. Kirkham. Proviso.

CHAP. CCXLVIII.

An ACT for the benefit of the heirs of Stephen Rossel, deceased.

Approved December 6, 1821.

WHEREAS it is represented to this general assembly, that Stephen Rossel, late of the county of Scott, died intestate, leaving a small tract of land, not exceeding thirty acres, lying in the said county, and one negro; and that it would be greatly to the advantage of the heirs of the said Rossel, that the said property should be sold, and the proceeds thereof appropriated to their use: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That John V. Webb and Thomas Barkley be, and they are hereby appointed commissioners, and vested with full powers to sell and convey the said negro and land, or so much thereof as the infant heirs of the said Rossel are justly entitled to; and to sell Comm'rs appointed to sell and convey certain property of the heirs.

the same on such credits as to them may seem most to the advantage of the said heirs, taking from the purchasers bond with sufficient security: *Provided, however, that* the infant heirs aforesaid shall, by their guardians, consent to such sale.

Previous.

To give bond and security.

The condition thereof.

Sec. 2. *Be it further enacted,* That the said commissioners, before they enter on the duties of their office, shall enter into bond, with sufficient security, in the Scott county court, in the penalty of fifteen hundred dollars, conditioned for the faithful performance of the duties herein assigned; and shall pay over the proceeds of said sale, as received, to the guardians of the heirs of said Rossel, according to the proportions they may be respectively entitled to.

CHAP. CEXLIX.

An ACT for the benefit of the Clerks of the Circuit and County Courts of Cumberland and Estill, and the Surveyor of Casey.

Approved December 6, 1821.

Clerk of Cumberland may execute his official bond within six months.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the clerk of the Cumberland circuit and county courts, who has failed to execute bond in the time prescribed by law, shall be, and he is hereby allowed six months, from and after the passage of this act, to execute his bond; which bond, when executed, shall be as effectual, to all intents and purposes, as if the same had been executed in the time prescribed by any law in force on that subject.

Surveyor of Casey, & clerk of Estill, may execute their bonds within 4 months.

Sec. 2. The surveyor of Casey county, and the clerk of the circuit and county court of Estill, shall be, and they are hereby allowed four months, from and after the passage of this act, to execute their official bonds; which bonds, when executed, shall be as effectual, to all intents and purposes, as though the same had been executed within the time prescribed by law,

CHAP. CCL.

An ACT to authorise the County Court of Henderson to sell one acre of the Public Square in the Town of Henderson.

Approved December 6, 1821.

WHEREAS it is represented to the present general assembly, that the citizens of Henderson county desire to sell a portion of the public ground in the town of Henderson, for public convenience and public purposes: Therefore,

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for the county court of Henderson, a majority of all the justices of said county forming said court, to make such order as by them shall be deemed expedient, for the sale and conveyance of a portion of the public square in said town, not exceeding one acre, upon such terms as the county court may direct in their order; and the proceeds of such sale shall be applied towards lessening the county levy.

CHAP. CCLI.

An ACT for the benefit of Polly Parker and Children, and for other purposes.

Approved December 6, 1821.

WHEREAS it is represented to this general assembly, that Polly Parker, late Polly Earls, of Pendleton county, intermarried with a certain Elias Parker, and lived with him about four years, and has since been abandoned by him, and left in the most indigent circumstances, with three helpless children; Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land-office be, and he is hereby authorised and directed to issue a Kentucky land-office warrant, in the name of Polly Parker, David Parker, Elias Parker and Rebecca Jane Parker, (the three latter the children of said Polly,) for two hundred acres of land; and on the return of the plat and certificate of survey, (which shall

Recital.

Donation of land.

No donations
to be located
south of Walk-
er's line or 9.
W. of Tennes-
see river.

be received without fee,) a grant shall issue as in other cases : *Provided*, that nothing contained in this, or any act passed heretofore during the present session, making donations of land to any individual or individuals, shall be so construed as to authorise the location of the lands south west of the Tennessee river, or south of Walker's line.

CHAP. CCLII.

An ACT to extend the limits of the Town of Princeton, to legalize the proceedings of the Trustees thereof and give them additional powers, and for other purposes.

Approved December 6, 1821.

Addition and
boundary.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That a further addition be made to the town of Princeton, in the county of Caldwell, from the lands of Francis Prince, as follows, to wit : Beginning at the corner of the lot which includes the stone house where William Prince, sen. formerly lived, adjoining the town of Princeton where Main Cross street crosses Main South street ; thence north 70° west, 109 poles five and one half feet ; thence south 20° west, 73 poles 5 feet ; thence south 70° east, 122 poles ; thence north 20° east, 55 poles 8 and one half feet ; thence north 70° west, 212 feet ; thence north 20° east, 264 feet, to the beginning : Likewise the further addition from the lands of Lewis, M'Laughlin and Frazier, beginning at the south west corner of the fifty acre donation. as made by Prince and Frazier to the county court of Caldwell county ; running thence north 20° east, 981 feet ; thence north 70° west, 1592 feet ; thence south 20° west, 981 feet ; thence south 70° east, 1592 feet, to the beginning, shall be, as above, added to the said town of Princeton, and the title thereof vested in the trustees of said town and their successors in office ; and the said trustees, to all intents and purposes, shall have the full and ample power to make deeds for the same, to any purchaser or purchasers, or his or their assigns, as they have had heretofore to any other part of said town.

Title vested in
trustees, and
their powers.

And whereas doubts have arisen, whether the **Preamble.**
trustees had the power, heretofore, to make deeds
for lots in the additions added by the first section
of this act, as those additions had been added by
the county court heretofore; and to remove all
doubts: Therefore,

Sec. 2. All the acts and doings of the said **Deeds by trustees & county court legalized.**
trustees, in making deeds of conveyance to any
purchaser or purchasers whatever, shall be legal-
ized, and be as good and valid as any other con-
veyance by them made, under any other powers
given them by law. And any deed or deeds
made by order of the county court, to any lot or
lots on the lands donated by Prince and Frazier
to the said county court, shall be likewise good
and valid to all intents and purposes, and shall
absolutely convey the same to the purchaser or
purchasers.

Sec. 3. The following persons are hereby ap- **Number of the trustees of Caledonia academy increased.**
pointed and added as trustees of the Caledonia
Academy, to wit: John H. Phelps and Joseph
R. Given, who shall possess all the powers that
the other trustees possess by law, in every res-
pect.

CHAP. CCLIII.

*An ACT to amend an act establishing a Seminary
in Rockcastle County, and for other purposes.*

Approved December 6, 1821.

WHEREAS it is represented to the present **Preamble.**
general assembly, that a majority of the trustees
of the Rockcastle academy have died or removed
from the county: Wherefore,

Sec. 1. *Be it enacted by the General Assembly of* **Trustees appointed.**
the Commonwealth of Kentucky, That William
Smith, John H. Slaughter, William Carson, Eli-
sha Smith, John B. Dysart, James Terrill and
Johnston Dysart are hereby appointed trustees
of the academy in the county of Rockcastle, with
the same powers, and subject to the same regula-
tions, in every respect, as those in the act es-
tablishing a seminary in the county of Casey,
approved January 18, 1810.

Duty of trustees.

Sec. 2. That the said trustees, or their successors, be, and they are hereby authorised, by themselves or agent, to settle with the locators, and make a division of said land, agreeable to the original contract, and to assign the plats and certificates of surveys to the locators, or any other person authorised to receive the same, for the locators' part; and the register of the land-office is hereby authorised and directed to issue grants to such assignee or assignees, as in other cases. And the said trustees, or their successors, are authorised to sell and convey the balance of said land, as they may think proper, or assign the plats and certificates of surveys; and in that case, patents shall issue in the name of the assignee or assignees; and they shall apply the proceeds thereof to the use and benefit of said seminary.

Duties of the trustees of the Liberty academy.

Sec. 5. That the trustees of the Liberty academy, or their successors, be, and they are hereby authorised to sell and convey any or all the lands donated to said academy, and apply the proceeds thereof to the erection of buildings, furnishing books, apparatus, &c. in such manner as they may think proper.

CHAP. CCLIV.

An ACT to encourage the publication of a Digest of the Statute Law of Kentucky.

Approved December 6, 1821.

Certificate of judges of court of appeals to be filed.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That upon William Littell and Jacob Swigert, Esquires, filing in the office of the secretary of state, the certificates of the judges of the court of appeals, or any two of said judges, that the Digest of the Statute Law of Kentucky, which they propose and are about to publish, is faithful and accurate, and worthy of public patronage, and should be received as authority in the courts of justice, the secretary of state is hereby authorised and required to contract with the said Littell and Swigert, the publishers aforesaid, for two thousand

Secretary to contract for 2000 copies.

copies of said work, at the price of three dollars for every six hundred pages of printing contained therein, tables and indexes being taken into the calculation ; the work to be printed on a fair, legible type, in one or more medium octavo volumes, on superroyal paper, well bound and lettered ; and when they shall deliver into the office of state, the aforesaid number of copies of said Digest of the Laws, the secretary of state shall give a receipt for the same, and certify to the auditor of public accounts the amount due for the same, at the aforesaid price ; and the auditor of public accounts is thereupon directed to issue a warrant upon the treasury, in favor of said publishers, for the amount so certified, which shall be paid out of any money in the treasury not otherwise appropriated.

Secretary to
give receipt &
certify to au-
ditor.

Sec. 2. Said work is to contain a Digest of the Contents of Statute Laws, down to the year 1821, inclusive, and shall contain a copious and correct index of the principal matters contained therein, alphabetically arranged : *Provided*, that said Digest shall not contain any local or private acts.

Digest.

Sec. 3. So soon as the said work is received, the secretary of state shall proceed to have the same distributed, in the following manner : One to each judge of the court of appeals, circuit judge, and justice of the peace ; one to each circuit and county court attorney ; one to the clerk of the court of appeals ; one to the clerk of the general court ; one to each of the circuit court clerks, and one to each of the clerks of the county court ; one to each high sheriff ; ten to the clerk of the senate, and thirty to the clerk of the house of representatives.

Secretary to
distribute co-
pies.

To whom?

Sec. 4. The judges of the court of appeals are hereby requested, as soon as practicable, to make an examination and give the certificate required in the first section of this act : *Provided*, said work shall be deemed by them worthy of recommendation. And each of the said judges who shall make the examination, shall be entitled to one hundred dollars for the duty herein required, to be paid out of the treasury ; and the auditor of public accounts is directed to issue his warrant

Court of ap-
peals request-
ed to examine
Digest.

Their com-
pensation.

accordingly for such sum, upon the production of the secretary's certificate of such judge is filed in his office, stating that he has examined said proposed Digest.

When officer goes out of office, his copy to be delivered over to successor.

Fine for failure.

How to be applied.

Sec. 3. When any of the officers entitled to a copy of said Digest, and shall have received the same, upon his or their going out of office, such officer shall deposite the said copy with the clerk of the court where he or they shall have exercised the office by virtue of which he became entitled to such copy; and upon the failure of any such officer to deliver up the copy aforesaid, he shall be subject to a fine not exceeding three times the original price of said copy, with costs, recoverable before any justice of the peace by the clerk who may be entitled to receive the same; and each clerk with whom such copy may have been deposited, shall deliver said copy to the successor in office of the person so depositing said copy; and when any fine is recovered as aforesaid, the clerk recovering said fine shall purchase another copy of said Digest, to be disposed of by him to the person entitled thereto; and the balance of said fine to be appropriated as other fines are now directed to be appropriated by law. The clerks of the senate and house of representatives, respectively, at the close of each session of the general assembly, shall deposite the copies belonging to their respective houses, among the archives thereof.

CHAP. CCLV.

An ACT making compensation to the Surveyor and others employed on the part of this State for running and marking the Boundary Line between the States of Kentucky and Tennessee.

Approved December 10, 1821.

Allowance to W. Steele, sen.

SEC. 1. BE it enacted by the General Assembly of the Commonwealth of Kentucky, That William Steele, sen. be, and he is hereby allowed the sum of three hundred dollars, for his services as surveyor in running and marking the boundary line between this state and the state of Tennessee.

Sec. 2. *Be it further enacted*, That William Steele, jun. be, and he is hereby allowed the sum of one hundred and thirty dollars, for his services as assistant surveyor in running and marking said line, to be paid out of any moneys in the treasury not otherwise appropriated. To W. Steele, jun.

Sec. 3. *Be it further enacted*, That seventy-two dollars be, and the same is hereby allowed to the chain carriers and markers employed on the part of this state, to be divided equally between them, and to be placed in the hands of William Steele for that purpose. To the chain-carriers and markers.

CHAP. CCLVI.

An ACT for the benefit of the heirs of Abraham Carter, deceased.

Approved December 11, 1821.

WHEREAS it is represented to the present general assembly, that it would be an advantage to the heirs of Abraham Carter, deceased, late of Franklin county, to dispose of certain slaves belonging to said estate: Recital.

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky*, That Anne Carter, administratrix, and James Tarlton, administrator, with Osborne M'Crackin, son in law of said Abraham Carter, deceased, are hereby authorised and empowered to sell or exchange and convey a negro woman, named Nelly, and her four children, and a negro man named Bill, the property of said heirs, and make such investment of the proceeds of sale, in other negroes, as they may deem expedient for the interest and benefit of said heirs. Adm'rs may sell or exchange negroes.

Sec. 2. *Be it enacted*, That said M'Crackin is hereby authorised to retain, in money, such portion of the proceeds of sale as he by law may be entitled to, in lieu of a portion in the slaves authorised to be purchased under the provisions of this act—the amount to be adjusted by the administrators of said estate: *Provided, however*, that the said Anne Carter, James Tarlton and Osborne M'Crackin, previous to the sale or ex- O. M'Crackin may receive his part in money. Adm'rs to give further bond.

change of said negroes, shall enter into bond, in the county court of Franklin, with good security, conditioned for the strict execution of the powers herein given.

And whereas it is further represented, that the said James Tarlton is about to remove from this commonwealth, and wishes to be released from the said administration: Therefore,

J. Tarlton released from administration of estate.

Court to appoint another in his stead.

Sec. 3. *Be it enacted*, That it shall be lawful for the county court of Franklin to appoint three commissioners, any two of whom may act, to settle with him the accounts of his administration; and upon the return of the report of the commissioners, the said James Tarlton may be released by said court, but shall be held accountable for all his previous acts in the premises. And it shall be the duty of said court to appoint some other person, on application, to discharge the further duties which the said Tarlton was by law bound to perform; who shall enter into bond, with such security as the court may approve, and under such penalty as they may direct.

CHAP. CCLVII.

An ACT for the relief of the widow and heirs of George Chism, deceased.

Approved December 11, 1821.

Commrs authorised to sell real estate,

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the county court of the county of Monroe be authorised to appoint three commissioners, who are hereby directed to sell and convey two hundred acres of land, in the county of Monroe, a tan yard and lot, No. 55, and a lot adjoining said tan yard, in Tompkinsville, of which George Chism, late of the said county of Monroe, died seized; and the said commissioners shall give thirty days' notice in writing, at the court house door in said county of Monroe, of the time and terms of sale, which shall be on the premises; and they are to account for, and pay over to the administrators of the estate of the said Chism, the proceeds of said sales, when received by them; and the amount

so paid to the said administrators, shall be assets in their hands.

Sec. 2. Before the commissioners aforesaid shall proceed to discharge the trust above mentioned, they shall give bond, in such penalty and security as shall be directed by the said county court of Monroe, payable to the commonwealth of Kentucky, conditioned for the faithful discharge of the duties required of them by this act; and the said court shall also, should they deem it expedient, require additional security of the said administrators, before they receive the proceeds of the said sales: *Provided, however,* that the widow of the said George Chism shall not be entitled to any part of the proceeds of said sale, except that part of said two hundred acres which may have been assigned to said widow as a part of her dower.

To give bond and security.

Condition thereof.

CHAP. CCLVIII.

An ACT authorising the Register to perform certain duties.

Approved December 11, 1821.

WHEREAS it is represented to the general assembly, that a former register of the land office, in recording grants for lands, in some instances omitted entering the signature of the governor; and that the present register refuses to add the governor's name upon the record, when the original is produced; which may be productive of evil to the citizens of this state: For remedy whereof,

Preamble.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the register of the land office, when any original patent shall be produced to him with the signature of the governor thereto annexed, and such signature not having been entered upon the record, to enter the same upon the record in its proper place; and that the entry so made shall have the same force and effect as if it had been originally done by the register in office at the time of the emanation of such grants.

Register may add the governor's name in the record of certain grants, when presented to him, where the same has been omitted in recording the grants.

To affix seal
of office to cer-
tain deeds
made by any
register, which
have been o-
mitted.

Sec. 2. Be it further enacted, That in all cases in which any register of the land-office shall heretofore have omitted to affix the seal of his office to any deed by him made in the sale of land by virtue of his office, he is hereby authorised and required, upon the production of any such deed, to cause the seal of his office to be annexed thereto; which shall have the effect, from and after the period of affixing the seal, as if it had been annexed to the said writing at the time of his signing the same.

CHAP. CCLIX.

An ACT to alter and amend the fifth section of an act entitled "an act to amend and reduce into one the several acts regulating Middletown, in Jefferson County."

Approved December 11, 1821.

Mode of levy-
ing town tax
regulated.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of money which the trustees of Middletown, in Jefferson county, are by law authorised to levy and collect, shall hereafter be raised by imposing a tax upon the titheables and property, real or personal, or both, within the limits of said town: *Provided, nevertheless,* that all assessments that said trustees, or a majority of them, or their successors in office for the time being, may make, upon the lots in said town, shall be equal and uniform, and in proportion to the unimproved value of the same.

CHAP. CCLX.

An ACT to alter and change the name of Marysville, in Harrison County.

Approved December 11, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the town of Marysville, in Harrison county, shall be called and known by the name of Clayville.

CHAP. CCLXI.

An ACT to amend the act incorporating the Shareholders and Directors of the Lexington Library.

Approved December 11, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* Time of annual meeting. That hereafter the annual meeting of the shareholders of the Lexington library, for the election of officers and other purposes, shall be held on the first Saturday in June in each year.

SEC. 2. *Be it further enacted,* That the next election of officers shall take place as heretofore, on the first Saturday in January 1822. The directors then elected, to remain in office until the first Saturday in June 1822; from which time the annual meeting of the shareholders shall be held upon the first Saturday in June, each succeeding year. Next election to be as heretofore, and the time thereafter changed.

SEC. 3. *Be it further enacted,* That the shareholders of the said library shall proceed, at their annual election, to choose thirteen fit persons as directors; who shall have power to appoint and remove from office, the secretary, treasurer and librarian. Number of directors.

SEC. 4. *Be it further enacted,* That any five of the said thirteen directors shall have power to transact all business for the said company, excepting that of appointing and removing from office the secretary, treasurer and librarian; in either of which cases a majority of the whole number of directors shall be necessary to constitute a board. Powers of directors.

So much of the act incorporating said company, as comes within the purview of this act, is hereby repealed.

CHAP. CCLXII.

An ACT for the benefit of the widow and heirs of John Anderson, deceased.

Approved December 14, 1821.

WHEREAS it is represented to this general assembly, that John Anderson departed this life Recital.

in the month of August 1821, and left a wife and several helpless children living on fifty acres of poor, ridge land, situate in the county of Cumberland, and being part of a tract of land of two hundred acres, entered in the name of David Evans, which said Anderson in his lifetime purchased, and agreed to pay the state price thereon: Therefore,

Register to issue grant for 50 acres. *Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the register of the land office be, and he is hereby authorised and directed to issue a patent for fifty acres of land, to Sarah Anderson, widow and relict of the said John Anderson, without the state price being paid thereon, or fee for the same, upon a return of the plat and certificate as in other cases.

Land to be sold, after the death of the widow, &c, *Sec. 2. Be it further enacted,* That after the death of said Sarah, the aforesaid land shall be sold, and the proceeds thereof equally distributed between the lawful heirs of the said John Anderson.

CHAP. CCLXIII.

An ACT to amend the law allowing compensation to Venire-Men and Witnesses.

Approved December 14, 1821.

WHEREAS in many cases it appears that the object of the law granting compensation to venire men and witnesses, is defeated, by the sale of the certificate of allowance: For remedy whereof,

Certificates to be received for taxes. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the passage of this act, the certificate of the clerks of the circuit courts, of an allowance to a venire man and witnesses in criminal cases, shall be received by the sheriffs of this commonwealth in payment of taxes due by the holder thereof; which said certificates the auditor of public accounts is required to receive of the sheriffs, and grant therefor the proper receipt.

CHAP. CCLXIV.

An ACT to appoint additional Justices of the Peace in the Counties of Mason and Rockcastle.

Approved December 14, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be appointed and commissioned according to the laws now in force, one additional justice of the peace in and for the county of Mason, whose residence shall be in the town of Maysville; and one additional justice of the peace in and for the county of Rockcastle, whose residence shall be in the town of Mountvernon.

CHAP. CCLXV.

An ACT for the benefit of Polly Martin.

Approved December 14, 1821.

WHEREAS it is represented to the present general assembly, by the petition of Polly Martin and others, that her husband, Edward Martin, died, leaving his estate greatly involved in debt, more than his personal property is sufficient to discharge; and that it would be to the advantage of the infant heir of said deceased, that one horse-mill should be sold, for the purpose of paying the debts of said deceased, which horse-mill stands on the farm of said deceased, in Simpson county :

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Edward B. Martin, administrator of said Edward Martin, deceased, is hereby empowered and vested with full authority to sell and dispose of the aforesaid horse-mill, in any way that he may think best, for the purpose of paying the debts of said deceased.

Sec. 2. *Be it further enacted.* That the said Edward B. Martin, before he enters upon the duties prescribed by this act, shall, in the Simpson county court, enter into bond, with good security, in any sum that said court may think advise-

ble; and the money arising from the sale shall be considered as assets in the hands of the said Edward B. Martin, for the payment of the debts of said deceased.

CHAP. CCLXVI.

An ACT for the benefit of Joel Morrison.

Approved December 14, 1821.

Preamble

WHEREAS a patent has issued from the register's office, to Joel Morrison, by virtue of a land-office warrant, No. 4498, containing two hundred acres of land; which patent does not cover the land surveyed for said Morrison: For remedy whereof,

Register authorised to cancel a patent and issue another.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the land-office be, and he is hereby authorised and required to receive the original patent, which bears date the 30th day of October 1820, and to cancel the same; and likewise to make a note in the record of said patent, declaring the same void and of no effect.

Sec. 2. *Be it further enacted*. That said register shall issue a patent to Joel Morrison, agreeable to the certificate of James Miller, deputy surveyor of Hardin county.

CHAP. CCLXVII.

An ACT to alter the place of holding Elections in the Eagle Precinct in the County of Gallatin, and the Walnut Grove Precinct in Mercer County.

Approved December 14, 1821.

To be held at R. Guinea's.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the third section of an act approved January the 15th, 1810, entitled "an act to establish election precincts in the counties of Clay and Gallatin," as fixes the place of holding elections in the Eagle precinct, at the house of Nathaniel Sanders, be, and the same is hereby repealed; and

that elections in the said precinct shall in future be held at the house of Robert Guinea. in the town of Fredericksburg, subject to the rules and regulations directed by the said recited act.

Sec. 2. *Be it further enacted*, That so much of ^{At A. Miller's} the second section of an act entitled "an act to establish election precincts in the counties of Mercer, Muhlenberg and Lincoln," approved December the 1st, 1820, as fixes the place of holding elections at the post office at Walnut Grove, in Mercer county, be, and the same is hereby repealed; and that in future, elections in the said precinct shall be held at the house of Allen Miller, on Salt river, subject to the rules and regulations directed by the said last recited act.

CHAP. CCLXVIII.

An ACT for the relief of the Sheriff of Shelby County.

Approved December 14, 1821.

WHEREAS it appears, from the certificate of the auditor of public accounts, that the sheriff of Shelby county has paid into the treasury the full amount of delinquencies transmitted to him for collection by the auditor in 1821, without having obtained the credits to which he would have been entitled, upon application to the county court, on a correct state of facts, at the November term of said court; and the court having no power now to certify the credits, whereby the sheriff can receive the benefit thereof: Therefore,

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the county court of Shelby, at the ensuing January term of said court, to certify, in favor of the sheriff, such credits, upon his having done, previous to that time, what by law was required to have been done prior to the November term, as he shall show himself entitled to, in part of the said list of delinquents transmitted to him as aforesaid; and the auditor shall issue a warrant for the amount of the credits so certified, which shall be paid out of the treasury.

Preamble.

Delinquent list to be received.

CHAP. CCLXIX.

An ACT for the benefit of Richard Clark and Samuel Curswell.

Approved December 14, 1821.

Preamble.

WHEREAS it is represented to the present general assembly, that Richard Clark and Samuel Curswell, of the county of Lewis, are aged and infirm, and are now laboring under extreme poverty; that when young, they flew to the standard of their country, and fought through a great part of the revolution; and that each of them are destitute of land, upon which they can rest the remainder of their days: Therefore,

Land warrants to issue for 50 acres to each.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the register of the land office is hereby authorised and directed to issue a land warrant in the name of Richard Clark, for fifty acres of land, and a land warrant in the name of Samuel Curswell, for fifty acres of land; each warrant to be located on any waste and unappropriated land in the county of Lewis, without the state price being paid thereon; and plats and certificates of surveys on said warrants shall be returned to the register's office, and the register shall register the same without fee, and issue patents thereon as in other cases.

CHAP. CCLXX.

An ACT for the benefit of the heirs of James M'Knight.

Approved December 14, 1821.

Recital.

WHEREAS it is represented to the general assembly of Kentucky, that James M'Knight and his wife, late of the town of Bowling Green, both departed this life, leaving two small children; and the administrator of said estate believes that the personal estate will not be sufficient to pay the debts; and in order to facilitate the settlement of the affairs of said estate, and the better providing for the infant orphans:

Sec. 1. Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That

John Stone, Alexander Graham and Robert Moore, or any two of them, be, and they are hereby appointed commissioners, with full powers to sell all the lots of ground and lands lying within Bowling Green and its vicinity, belonging to said estate, on such credit as they may think proper, taking bond with sufficient security from the purchaser or purchasers, for securing the payment of the purchase money.

Comm'rs appointed to sell real estate.

Sec. 2. The said commissioners, before they enter upon the duties of their office, shall enter into bond, with sufficient security, in the county court of Warren, in such penalty as said court may think proper, conditioned for the faithful performance of the duties herein enjoined, which shall be made payable to the commonwealth of Kentucky, filed in the office of the court aforesaid; upon which any person aggrieved may sue and recover against and from the said commissioners, any damages which may be sustained by such person, by reason of a breach or breaches of the condition thereof.

To give bond.

Condition.

May be sued upon.

Sec. 3. The said commissioners shall give public notice, at the court house door, and at such other places as they may deem proper, at least four weeks previous to their making any sale under this act. Upon making any such sale, and having received from the purchaser or purchasers the purchase money, the said commissioners, or any two of them, shall execute a deed or deeds, as the case may be, to the purchaser or purchasers, conveying all the right and title of the said orphans in and to the said lots and lands.

Comm'rs to advertise sale, and to make conveyance

Sec. 4. The proceeds of the said sales, as received, shall be paid over to John Stone, administrator of the said estate, whose duty it shall be to account for said proceeds in the same manner which he is bound to account for the personal estate, as administrator—entering into further bond, in the county court aforesaid, in a sufficient penalty to cover the amount of money so received.

Proceeds, how disposed of.

Sec. 5. *Be it further enacted*, That nothing in this act shall be so construed as to compel the aforesaid commissioners to sell the aforesaid lots

Restricting clause.

and lands, unless they shall think it necessary for the purpose of discharging the debts of said estate, and for the better providing of the infant orphans.

CHAP. CCLXXI.

An ACT to legalize the proceedings of the Nelson County Court, at their November Term, 1821.

Approved December 14, 1821.

Recital.

WHEREAS it is represented to the present general assembly, that John Bolling was the undertaker of a public jail built by the county court of Nelson, but departed this life before the work was completed; and that James Green, the father-in-law of said Bolling and his security for doing the work, went on to complete the said jail; and having performed the work to the entire satisfaction of the commissioners appointed to contract for, superintend and receive the said jail, the county court, at their late November term, being satisfied that the said Bolling, in his lifetime, and the said Green since, had expended considerably more money than the sum originally contracted for, proceeded to allow and levy for the said Green a sum equal to the value of the work:

Proceedings
legalized.

Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky, That the proceedings of the said court, in allowing and levying for the said James Green the value of the work and materials expended in completing the jail aforesaid, be, and the same are hereby declared to be legal and valid.

CHAP. CCLXXII.

An ACT to regulate the Bath Seminary, in Bath County.

Approved December 14, 1821.

Trustees appointed.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That James M'Ilhaney, James A. Brooks, William M. Suduth, Thomas Hles, Peter Davis, George Lans-*

down, Thomas D. Owings and John A. Turner, be, and they are hereby appointed trustees of the Bath seminary; and by the name and style of **Incorporated.** the Bath Seminary, are hereby constituted a body politic and corporate, and shall have perpetual succession, and a common seal, with full power to change the same at pleasure.

Sec. 2. *And be it further enacted,* That the fee simple title of the six thousand acres of land granted to the seminary, shall be, and the same is hereby vested in the said trustees and their successors in office, who, or a majority thereof, shall have full power to sell and dispose of said lands, in such manner, and upon such terms and conditions as they may think proper, and shall apply the proceeds of such sales to the erection of buildings, the procurement of books or philosophical apparatus for the use and benefit of said seminary.

Title to lands donated to the seminary vested in them.
Lands may be sold, &c.

Sec. 3. *And be it further enacted,* That the said trustees, or a majority of them, may, by themselves or agent authorised for that purpose, convey, by deed or by assignment, such portion of said land as may have been contracted to be given by the justices of the county court of said county, to the persons employed to locate, survey and carry into grant said lands.

Trustees may convey a portion of the lands to the locator employed, for his services.

Sec. 4. *And be it further enacted,* That the further time of two years shall be allowed the trustees or their agent, to locate, survey and patent the balance of said six thousand acres, not heretofore located, surveyed or patented; and said balance may be located, surveyed and patented in quantities less than one hundred acres, where the same may be bound all round by other claims; and any surveys heretofore made of less quantities than one hundred acres, may be registered, and grants shall issue thereupon as in other cases.

Two years allowed them to locate the balance of their donation lands
May locate less than 100 acres in one parcel, &c.

Sec. 5. *And be it further enacted,* That the said trustees shall be, by themselves or agent, vested with power to locate, survey and patent two hundred acres, in lieu of that quantity heretofore surveyed and patented, and which has been found to be taken by an elder patent.

My locate 200 acres more than the original donation, for so much taken by a prior claim.

May employ teachers, &c. Sec. 6. The said trustees, or a majority of them, shall have power, from time to time, to employ teachers, treasurer and clerk; and upon the death, resignation or removal of such teachers, trustees or other officers of said seminary, the board of trustees shall supply any vacancy, so as to keep a continual succession in office.

Make by-laws, &c. Sec. 7. *And be it further enacted*, That the said trustees shall have power, from time to time, to make such by-laws and ordinances as shall seem to them right, for the good order and government of said seminary; and which by-laws and ordinances are not to be inconsistent with the constitution and laws of this commonwealth.

May meet and adjourn from time to time. Sec. 8. *And be it further enacted*, That the said trustees shall meet at such times and places as they shall appoint; and in case a sufficient number do not attend at any appointment to constitute a board, those who do attend shall have power, from time to time, to adjourn until a sufficient number may be procured to constitute a board.

May sue and be sued Sec. 9. *And be it further enacted*, That the said trustees, by the name and style aforesaid, may sue and be sued, plead and be impleaded, in any court of law or equity in this state.

To give no preference to teachers on account of any particular religious tenets. Sec. 10. *And be it further enacted*, That the said trustees, in making any appointment of teachers or other officers of said seminary, shall give no preference to any one on account of religious sectarian sentiments; nor shall said trustees, or their successors, make or enforce any law, regulation or ordinance which is or shall be calculated to implant in the minds of the rising youth, a bias in favor of any particular religious sect.

Shall be accountable to the legislature for their conduct. Sec. 11. The trustees of said seminary shall be forever accountable to the legislature, at all times, for their conduct in the management of said seminary, and the affairs of said seminary shall at all times be controlled in such manner as the legislature by law may direct.

CHAP. CCLXXIII.

An ACT for the benefit of the Sheriffs of Wayne and Campbell Counties.

Approved December 6, 1821.

WHEREAS it appears that the clerk of the Preamble. county court of Wayne, in the year 1821. made out a list of the revenue tax for said county, to the amount of eight hundred twenty five dollars thirty-eight cents, through mistake, and delivered the same to the sheriff of said county; that he made his collection according to said list; that the clerk made out a correct list, and returned the same to the auditor of public accounts, amounting to one thousand and ninety-two dollars fifty-six cents; which sum the sheriff now stands charged with, which amounts to two hundred and sixty seven dollars eighteen cents more than said sheriff could collect by the list furnished him: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the said clerk to make out and deliver to the sheriff, as soon as practicable, a correct list; and the sheriff shall be, and he is hereby allowed six months, from and after the passage of this act, to complete his collection according to said corrected list; and the county court of Wayne shall, at any county court in the time aforesaid, examine and certify any delinquent list that may be presented by said sheriff; and the auditor shall settle with said sheriff according to such corrected and delinquent lists: *Provided, however,* that nothing in this act contained shall be construed to postpone the settlement and payment of the revenue, according to the first list furnished by the clerk to said sheriff, according to law. Clerk's duty, & regulations for the sheriff of Wayne.

Sec. 2. The sheriff of Campbell county be, and he is hereby allowed until the first day of March next, to complete his collection of the revenue and make out his delinquent list; and the county court of Campbell shall, at any court before the said first day of March, examine and certify said list, and the auditor shall settle with him accordingly. Benefit of sheriff of Campbell.

CHAP. CCLXXIV.

An ACT forming the County of Lawrence out of parts of the Counties of Greenup and Floyd.

Approved December 14. 1831.

Boundary.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the second Monday of February next, all that part of the counties of Greenup and Floyd, contained in the following boundaries, to wit: Beginning at the mouth of White's creek; thence up the same to the head of that fork which Lockwood's road runs out at, and with that road to the dividing ridge between the east fork of Little Sandy river and Williams' creek; thence a straight line to the mouth of Straight creek; thence a straight line to the mouth of the Dry fork of Little Sandy river; thence up Main Sandy to the mouth of Newcomb's fork; thence up the said fork to the head thereof, and to the top of the ridge dividing the waters of Licking and Little Sandy rivers; thence with the said ridge to a point between Rock House creek and Big Blane; thence with the dividing ridge between Big Blane and Big Paint, to the head of Thom's creek; thence with the dividing ridge between Thom's creek and George's creek, to the head of the first branch above the widow Borders', and down the said branch to its mouth, to the Levice fork of Big Sandy river; thence a straight line to the first point above Adam Bowen's; thence with the ridge between the waters of Greasy creek and Rockcastle; thence with the dividing ridge between Rockcastle and John's creek, to the head of Wolf creek, and down the same to the forks thereof; thence down the same so as to include the inhabitants that are on the east side of said creek, from the forks downwards, who live in the bottoms thereof, to its mouth; thence down the Tug fork of Big Sandy to the forks thereof, and down Main Sandy to the beginning, shall be one distinct county, called and known by the name of LAWRENCE, in honor of Captain James Lawrence, late of the United States' navy.*

Name.

Sec. 2. The justices of the peace for the county of Lawrence, shall meet at the house of Andrew Johnson, on the fourth Monday in March next; and after taking the necessary oaths of office, and after qualifying their sheriff, agreeable to the constitution of the United States and the laws of this state, they shall proceed to appoint a clerk, to whose permanent appointment a majority of all the justices in commission, in and for said county, must concur; but if such majority cannot be obtained in favor of any one, then the court shall appoint one *pro tem*.

Justices, when and where to meet, & their duties.

Sec. 3. The county court shall be held on the fourth Mondays in every month, except the months in which the circuit court shall be held; and the circuit court shall be held on the fourth Mondays in April, July and October, and sit six juridical days, if necessary: and shall be attached to the eleventh judicial district.

Time of holding the county court.

Sec. 4. The circuit and county courts of Greenup and Floyd, and the justices of the peace therein, shall have jurisdiction over all matters in law or equity, instituted prior to the time this act takes effect.

Jurisdiction of Greenup and Floyd.

Sec. 5. It shall be lawful for the sheriffs and collectors in the counties of Greenup and Floyd, to collect all fines and moneys, and to execute all process, writs and executions, as the law directs, which were put into their hands previous to the time this act takes effect, and account for the same as if this act had not passed.

Collectors of Greenup and Floyd.

Sec. 6. The county court of Lawrence shall appoint a commissioner or commissioners of the tax for the year 1822, who shall perform all the duties, and be governed by the laws regulating commissioners of the tax; and the clerk of the county court shall, in like manner, perform his duty in relation thereto.

Comm'rs of tax to be appointed.

Sec. 7. John Rice and James Ward, jun. of the county of Greenup, and Henry B. Mayo, Samuel May and David K. Harris, of the county of Floyd, are hereby appointed commissioners, to ascertain and fix on the most convenient and suitable place for the permanent seat of justice of Lawrence county; who shall meet at the forks

Comm'rs to fix seat of justice, & regulations concerning it.

of Big Sandy, on the first Monday in March next, for that purpose—a majority of whom shall be competent to act, and a majority of those who shall be present, agreeing upon the place, shall report to the next county court; and it shall be the duty of the said court, as soon as practicable thereafter, to cause the necessary public buildings to be erected, and in every other respect lay off and do that which may be necessary, or which may be required by law in the establishment of towns.

Pay of commissioners. Sec. 8. The commissioners appointed under the provisions of this act, shall be entitled to the sum of two dollars per day, for the time they may be necessarily engaged in the discharge of their duties, to be levied for their benefit at the first laying of the county levy in said county.

Court to sit at Johnson's. Sec. 9. The courts for the said county shall continue to be held at the house of Andrew Johnson, until the necessary public buildings are erected.

Duties of the collectors of Greenup and Floyd. Sec. 10. The collectors of the county levy of Greenup and Floyd counties shall, on or before the first day of January 1823, pay over to the county court of Lawrence, their agent or attorney, all moneys by them collected, or which they may have a right to collect as county levy for the year 1821, and collectable in 1822, from the citizens of that part of Greenup and Floyd counties included in Lawrence county, after receiving a credit for all delinquents allowed by their respective county courts, a certificate of which shall be given by the clerks of said courts, which shall be evidence in a settlement with the county court of Lawrence county. their agent or attorney; and the said collectors shall be allowed to retain in their own hands, the same commission for collecting as is now allowed by law.

Duties of sheriffs and collectors of Greenup and Floyd. Sec. 11. It shall be lawful for the sheriffs and collectors in the counties of Greenup and Floyd, to collect all fines and moneys, and to execute all process, writs and executions, as the law directs, which may have been put into their hands to collect previous to the time this act takes effect, and account for the same as if this act had not passed.

Sec. 12. The voters in the county of Lawrence shall vote as heretofore, until the apportionment of the next representation. To vote as heretofore.

Sec. 13. The circuit courts of Greenup county shall hereafter commence on the first Mondays in the months of May, August and November; and all process that is or may be made returnable to the fourth Monday in April next, shall be returnable to the first Monday in May next, which shall have the same force and effect as if returnable to the fourth Monday in April next. When circuit court of Greenup sit.

Sec. 14. The county courts of said county of Greenup shall, after April next, be holden on the first Mondays in each month in which there is no circuit court holden, subject to the same rules and regulations as heretofore. County court of Greenup.

Sec. 15. The sheriffs of either county, in making their settlement with the county court of Lawrence, or their agent, they shall be entitled to retain in their hands a sufficient sum to pay the demands of the several paupers that are now living within the bounds of the said county of Lawrence. Further duties of sheriffs.

CHAP. CCLXXV.

An ACT for the benefit of Samuel Lewis and others.

Approved December 14, 1821.

WHEREAS it is represented to this general assembly, that Francis Peart departed this life, devising to the children of William B. Blackburn, Anthony Bartlett and George Holloway, one fourth part of the tract upon which he then resided, situate in the counties of Woodford and Scott, containing, by estimation, eleven hundred acres; that the fathers of the said children severally contracted for a sale of their respective portions, to Samuel Lewis, who has paid a part of the price, and desires to consummate the contract; that Bartlett has departed this life, leaving to his children a much greater estate, and that the reasonable expectations of the children of Holloway and Blackburn, from their said parents, exceeds the amount of their interest in the Recital.

tract aforesaid; but because of the infancy of the said children, they have not, in law, the power to pass a title to Lewis: Therefore,

Comm'r authorised to convey the interests of certain devisees.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said William B. Blackburn shall be, and he is hereby authorised, in the names of the said children of Bartlett, Holloway and himself, to convey to the said Lewis their one fourth part of the said tract of land; which conveyance shall invest the said Lewis with a perfect title in fee simple: *Provided, however*, that before he proceeds to make said conveyance, he shall enter into bond, before the county court of Woodford, with sufficient security, to be approved of by said court, in the penalty of ten thousand dollars, payable to the aforesaid children of the said William B. Blackburn, George Holloway and Anthony Bartlett, conditioned to pay to them their respective proportions of the purchase money, with interest thereon from the time he received the same.

To give bond.

Further recital.

And whereas the five infant children of Christian Hager, of the county of Woodford and state of Kentucky, have a claim to a considerable landed estate and other property in this state, as well as near Hagerstown in the state of Maryland, which is involved in controversy, and may be lost to said children, unless attended to with diligence: Therefore,

C. Hager authorised to act for his children.

Sec. 2. It shall and may be lawful for the said Christian Hager, for and in behalf of his said children, to employ counsel, upon the best terms he can, to investigate the title to said land, or to compromise or adjust the same, in a way most conducive to the interest of said children; which said suit, compromise or adjustment shall be good and valid in law; and in case said land is recovered, the same shall enure to the benefit of said children exclusively, after deducting the necessary costs and expenditures from the same, which shall be allowed the said Christian Hager in settlement.

CHAP. CCLXXVI.

*An ACT for the benefit of the widow and heirs of
John R. Chitwood.*

Approved December 14, 1821.

WHEREAS it is represented that John R. *Recital.*
Chitwood died possessed of real estate, consist-
ing of town lots, Nos. 27 and 29, in the town of
Greenupsburg, and a small tract of land, con-
taining about four acres, lying adjacent to said
lots; and that the said Chitwood died in embar-
rassed circumstances; that his personal estate
will not be sufficient to pay his debts, without
selling the slaves of said estate, which would tend
much more to the injury of the widow and heirs
of the deceased, than the sale of the real estate.:
Therefore,

Sec. 1. *Be it enacted by the General Assembly of* *Adm'rs au-*
the Commonwealth of Kentucky, That Thomas H. *thorised to sell*
Poage, Jehu Rice and John C. Kouns, adminis- *real estate:*
trators of the estate of the decedant, be, and they
are hereby authorised to sell said recited real es-
tate to the highest bidder, at a credit of six,
twelve and eighteen months, taking from the pur-
chaser bond and sufficient security for the pay-
ment of the purchase money: *Provided, however,*
that no sale shall take place until the same is *To advertise*
first advertised at the court house door in the *time & place:*
county of Greenup, on a court day, at least four
weeks previous to the sale. and the said Poage,
Rice and Kouns have executed bond and security *To give fur-*
in the county court of Greenup, in the penal sum *ther bond.*
of fifteen hundred dollars, conditioned for the
faithful execution of this act, payable to the com-
monwealth of Kentucky, and which may be put
in suit by any person injured by a breach there-
of.

Sec. 2. The said Poage, Rice and Kouns shall
pay over the proceeds of said sale to the credit-
ors of John R. Chitwood, deceased; and if any
balance should remain in their hands, they shall
retain the same as assets in their hands, to be dis-
posed of as other assets. And they shall, in con-
junction with the widow, have full power and au-
thority to execute a deed of conveyance or con- *Proceeds to be*
assets.
To make deeds

veyances to the purchaser or purchasers for said real estate as above described, which shall vest the legal title of the said widow and heirs there- to, to all intents and purposes.

CHAP. CCLXXVII.

An ACT to amend the act altering the mode of tak- ing in the Lists of Taxable Property.

Approved December 14, 1821.

Comm'rs to
note all in-
debted to the
commonw'th
for land.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky.* That the com- missioners appointed by the county courts to take in the lists of taxable property for the year 1822. be, and they are hereby directed to note in said lists all those within their counties or districts indebted to the commonwealth for the sale of va- cant lands, and the amount due from each indi- vidual so indebted, with the number of acres claimed.

Clerks' duty.

SEC. 2. The clerks of the several county courts in this commonwealth are hereby directed to make out, in a column opposite to each individual's name, listed for taxation, the amount so due, and the number of acres, as stated in the first section of this act.

CHAP. CCLXXVIII.

An ACT to authorise the sale of part of the Real Estate of Alexander Dunbar and Henry E. Wax, deceased.

Approved December 14 1821.

Comm'rs au-
thorised to sell
lands of A.
Dunbar

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That Henry B. Mayo be, and he is hereby appointed com- missioner, to sell and convey a lot of ground, con- taining five acres, situated in the town of Pres- tonsburg, county of Floyd, No. 14, [of] which Alexander Dunbar died seized and possessed, upon such credit, in the discretion of said Mayo. as he may think proper to give, taking bond with sufficient security for the purchase money. paya- ble to himself—having first advertised the time

and place of sale, for the space of thirty days, at the door of the court house of said county, and at the doors of the public houses in the said town of Prestonsburg; and the proceeds of the sale, when received, shall by him be paid over to the guardian of the infant heirs of James Danbar, deceased, or so much thereof as may be due said infant heirs from the estate of said Alexander Danbar, deceased, their former guardian: *And provided also*, that the said Henry B. Mayo, before he proceeds to act, shall enter into bond, with sufficient security, in the county court of Floyd, in such penalty as the court may direct, payable to the commonwealth of Kentucky, for the due and faithful performance of the duties and power hereby conferred upon him; which bond may at any time be put in suit by any person having any interest therein.

And whereas Henry E. Wax, of the town of Greensburg, Green county, Kentucky, lately departed this life intestate, leaving a wife and some small children possessed of a small personal estate, not sufficient to pay his debts; having also left, as his only real estate, some lots in said town, with a tan-yard, shop and other improvements in an unfinished state on one lot, and a dwelling house on another lot, in a like unfinished condition; and it is deemed advisable to make sale of the real estate, to assist in paying debts and for the support of his widow and children: Preamble.
Wherefore,

Sec. 2. It shall and may be lawful for Francis C. Dickinson and the widow of the said Wax, to sell and convey the whole or part of said lots, for the best price they can obtain, upon such reasonable credit as the claims against said estate will admit of; and after paying the debts against said estate, they shall apply the balance of the proceeds of sale to the benefit of the widow and children, according to the laws of descent and for the distribution of intestates' estates, in force in this commonwealth. Authority to
sell land of H.
E. Wax.

Sec. 3. The said Francis C. Dickinson and the widow of the said Wax, shall not make any conveyance of said real estate, until the payment of

the price for which the same shall be sold; and before they shall make any sale of said real estate, they shall, in the county court of Green county, enter into bond, with good and sufficient security, to be approved of by said court, in a penalty double the amount of the value of said real estate, in the opinion of the court, conditioned to apply to the use and benefit of said children, that portion of the proceeds of said real estate which the said children shall be entitled to, according to the laws of descent and for the distribution of intestates' estates, in force in this commonwealth.

CHAP. CCLXXIX.

An ACT to abolish Imprisonment for Debt and subject Equitable Interests to Execution.

Approved December 17, 1821.

Sec. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky.* That all laws which authorise a *capias ad satisfaciendum* to be issued against the body or bodies of any debtor or debtors, shall be, and the same are hereby repealed.

Ca. sa. abolished.

Persons may be held to bail in certain cases.

Sec. 2. Hereafter, no person or persons shall be arrested upon any original or mesne process, or required to give bail, unless upon an affidavit being filed with the clerk of the court or justice of the peace from which such process is to be issued, stating that the plaintiff or plaintiffs verily believe, that the person or persons against whom such process is about to issue, will leave this commonwealth, or move his property out of the same, before judgment, or otherwise abscond, so that the process of the court, after judgment, cannot be executed; and upon such affidavit being filed, the clerk shall endorse that bail is required, and in what sum.

Persons in jail or bounds, how to be discharged.

Sec. 3. From and after the passage of this act, any person or persons who may have been committed to close jail, or to the bounds, upon order requiring bail, or upon any *capias ad satisfaciendum*, may, upon giving reasonable notice of such

application, to the person or persons at whose suit he or they may have been committed, or to his, her or their agent or attorney in fact or at law, if any such may be in the county, if not, upon filing notice in like manner in the office of the clerk of the court whence such process issued, apply to a justice of the peace for his discharge; and upon such justice being satisfied that the person or persons so applying is or are confined upon civil process, the said justice shall issue an order to the jailer, to discharge such person or persons from custody; and upon such person or persons being discharged under the provisions of this act, the plaintiff or plaintiffs, or person or persons beneficially interested in said demand, in the execution of which the person or persons so discharged may have been in custody, may have a new execution against the property of such person or persons so discharged, without suing out a *scire facias* to revive his judgment.

Sec. 4. When any person or persons arrested under an order requiring bail or a writ of *ne ex. cat.*, shall desire to be discharged from custody, by taking the oath prescribed by the acts for the benefit of insolvent debtors, it shall be lawful for such person or persons, upon giving reasonable notice to the party at whose suit he or they were arrested, his agent or attorney, if in the county, if not, upon filing such notice in the office from which was issued the process by virtue of which he or they may be in custody, of the time and place of such application, to apply to a justice of the peace for his or their discharge; and upon rendering a schedule of his or their property, and taking the oath aforesaid, the justice of the peace shall issue an order to the officer in whose custody such person or persons may be, to discharge him or them; and the property contained in such schedule, shall be vested and disposed of in the same manner, and the same proceedings shall be had thereon as are now authorised in the case of insolvent debtors.

Defendants in custody on mesne process may take oath & be discharged.

Sec. 5. When any estate, real, personal or mixed, is held or covered by mortgage, deed of trust or other incumbrance, all the right, title and in-

Interests of mortgagor and grantor in deeds of trust

subjected to
execution.

Real estate
may be redeemed
in 2 years.

Purchaser of
personal estate
to give
bond.

terest which the mortgagor or grantor has in said estate, shall be subject to execution and sale, in the same manner as estate of the like kind now is, when the owner thereof has a legal title to the same, and the purchaser or purchasers shall take said estate subject to the *bona fide* lien or claim which the mortgagee, *cestui qui use* or other claimant may have upon said estate; and the sheriff or other officer making sale thereof, shall convey to the purchaser or purchasers thereof all the right, title and interest which the defendant or defendants in the execution may have to the same: *Provided, however*, that when any mortgaged or trust estate as aforesaid, in lands or tenements, shall be sold under execution, the mortgagor, grantor of the trust or trustee, *cestui qui trust*, or other person to whom a beneficial interest may have been reserved out of such estate, may redeem the whole or any part of the same, at any time within two years from and after such sale, by paying to the purchaser or purchasers of such estate, or any part thereof, his, her or their purchase money and interest, in money equivalent in value to that for which the property sold for at the day of sale: *And provided*, that when the estate sold as aforesaid is personal and moveable, the purchaser or purchasers of such personal property shall give bond, with good and sufficient security, to be approved of by the officer making the sale, in the full amount of the value of the property sold, conditioned not to remove said property, or any part thereof, out of the state, nor otherwise dispose of the same, until he, she or they shall pay off the mortgage, satisfy the trust, or discharge any other incumbrance to which said property was liable and subject at the time of the sale. Said bond shall be made payable to the commonwealth of Kentucky, and shall be returned to the office from which the execution issued, by virtue of which the property was sold; and upon the condition of said bond being broken, the party injured by such breach may sue for the same, in the like manner as suits are authorised to be maintained upon other public bonds, or officers' bonds;

and the said bond may be sued upon as often as the condition thereof shall be broken.

Sec. 6. Whenever an execution of *feri facias*, founded upon any judgment or decree, or upon any bond having the force of a judgment, shall issue to the proper officer, and be returned, as to the whole or any part thereof, in substance, that the defendant hath no effects in his bailiwick to satisfy the same, the proper court or courts of chancery shall have jurisdiction, on bill filed, to subject to the satisfaction of such judgment, decree or bond, any choses in action belonging to the debtor, and also any equitable or legal interest in any estate, real, personal or mixed, which the debtor may be entitled to; and to that end, may bring other parties before the court, and make such decree as may be equitable, under the jurisdiction hereby conferred: *Provided*, that nothing in this act contained shall be construed to extend to those articles in possession of a defendant which are exempted by law from execution.

Equitable interests and choses in action may be subjected to payment of debts, by chancellor.

Sec. 7. If the defendant or defendants, mortgagee, trustee, *cestui qui trust*, or other person to whom a beneficial interest may have been reserved out of said estate, should not redeem the said estate so sold, within two years, according to the provisions of the fifth section of this act, that it shall be the duty of the court from which the execution, decree or order of sale issued, under which said sale was made, upon motion, of which motion ten days' notice in writing shall be given to the original debtor and the person who may be in possession of said estate, to award a writ of *habere facias*, if the court shall be satisfied that the estate has not been redeemed, and that the estate is not possessed by any person having a right in law and equity to the same.

If real estate is not redeemed, a writ of possession may be awarded.

Sec. 8. If the person or persons authorised by the fifth section of this act, shall not, within two years, redeem said estate so sold, according to the provisions of said fifth section of this act, that then and in that case he, she or they shall be liable to the purchaser for all damages he, she or they may have committed, after said sale, on the premises.

Person in possession of real estate, liable to purchaser for waste.

CHAP. CCLXXX.

An ACT to amend the Militia Law.

Approved December 17, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter there shall be but two company musters in each year, viz. in the months of April and June; and it shall be the duty of the commanding officers of companies to make out their annual return at their June muster, which shall be returned to the commandants of regiments as heretofore.

Only two company musters in a year.

SEC. 2. Commanding officers of brigades shall not have power to order a drill muster of a greater portion of the officers of his brigade than reside in any one county, except in cases where there are parts of two brigades in the same county, and then the officers may be drilled with an adjoining regiment of the same brigade in a different county from that in which they may reside.

Brigade drills.

SEC. 3. In all cases where a brigadier general orders a drill muster, the same officers who are bound to attend a regimental drill, shall attend, armed and equipt as the law directs, and the senior officer present, shall command; and where a brigadier general shall order a drill of the officers of any one county, they shall be governed by the same rules and regulations as is at present directed at a brigade drill, and in such cases there shall be no regimental drill in that year.

Further regulations of brigade drills.

SEC. 4. Commandants of regiments shall have power to take officers from an adjoining regiment, in ordering regimental courts martial for the trial of captains and subalterns and staff officers of his regiment, for neglect of duty in failing to attend any muster, or to uniform and equip themselves: *Provided,* that nothing in this section shall be so construed as to take away the power of the annual court of assessment to try delinquent officers as heretofore; but said courts shall have concurrent jurisdiction, at the discretion of the commanding officer of the regiment.

Respecting courts martial and of assessment.

SEC. 5. It shall be the duty of commanding officers of companies to return to the annual court of assessment all those who appear on parade

Respecting arms.

without arms, unless upon special enquiry he shall be satisfied that such delinquent has no arms, where excuses shall be heard whether such person owns arms or not.

Sec. 6. The field officers who constitute the Appeals court of appeals, shall hereafter meet on the first Monday in May in each year, to which appeals shall be taken; and said court may adjourn from time to time, as to them may seem right, until the first Monday in August, during which time appeals shall be heard and not thereafter; but appeals may be taken at any time previous to the first Monday in August.

Sec. 7. Fines on non-commissioned officers, musicians and privates, for failing to attend musters, shall not hereafter exceed one dollar per day, except in cases of contempt or refusing to parade when present. Fines.

Sec. 8. No militia company whose place of mustering is twenty miles or upwards from the place designated for the parade of any regiment or battalion, shall be compelled to attend the same; and that in lieu thereof, the commandant of any such company shall parade the same at his usual place of holding musters, on some day of the same month, and perform all the duties now required by law. Companies at a distance from regimental or battalion musters.

Sec. 9. So much of the tenth section of an act to amend and reduce into one the several acts respecting the militia, approved February the 4th, 1815, as makes it the duty of the commanding officers of companies to make out a company roster of the tours of duty in each and every year, be, and the same is repealed. Tours of duty.

Sec. 10. That it shall be the duty of the executive, annually, to appoint a general court of enquiry, where a major general shall preside, and to be composed of not less than four, nor more than eight additional members, consisting of brigadier generals and field officers, none of whom to be delinquents in making their annual returns for the last year, to meet at the capitol in the town of Frankfort, in the month of April or May, to enquire into the delinquency of major generals in making their annual returns to the adjutant. Executive to appoint, annually, a general court of enquiry & for what purpose.

general's office, and to impose the fine annexed by law for such offences: *Provided*, that if it shall so happen that none of the major generals shall be eligible, on account of their own delinquency, then the president of such court shall be chosen by the governor from the brigadier generals; or if the president which shall be chosen by the governor, shall be unable to attend, a majority of the remaining members shall be sufficient to constitute a court, the eldest and the highest grade to be considered the president thereof: *Provided*, *however*, that if it shall so happen that no delinquency in any year shall occur, the adjutant-general shall certify the same to the governor, and in that case no court need be called. And it shall be the duty of the adjutant general to furnish the court of enquiry, when convened, with the names of the major generals who have failed to make their annual returns for the year preceding, within the time fixed by law; and shall moreover cause a notice to be served on the major generals charged with being in default, of the time of meeting of such court, at least twenty days previous to the sitting thereof; which notice shall be served by any general or field staff officer, and by him returned to the adjutant general's office, with an affidavit of the service thereof as soon as practicable. And such court, or a majority of those appointed, the president included, having convened, shall proceed to hear and determine all such cases of delinquency as shall be submitted as aforesaid; and shall, previous to entering upon the duties assigned them, take the following oath, viz. "I, ———, will truly and faithfully enquire into such delinquencies as shall be submitted to me, in relation to the annual returns of major generals, and will assess the fines thereon as shall seem just, without favor, partiality or affection; so help me God." Which oath shall be administered by any one of the members to the rest, and so to him by either of the others in turn. And on the trial of all delinquencies as herein provided for, the court shall not adjudge as a good ground of defence, the allegation of the party charged, that any brigadier

general under his command had failed to make his return within the time prescribed by law, unless he shall be able to shew that the legal steps had been taken to bring to trial the brigadier general so alleged to be delinquent; and this provision shall apply in all cases, on the trial of officers of any grade, for failing to make their annual returns.

Sec. 11. And the courts of enquiry, as herein established, shall have power, when convened, to appoint a clerk or provost martial, who shall take an oath well and truly to perform the duty assigned him, and shall receive an allowance of two dollars per day, to be paid out of the public treasury, for the time he shall be engaged in the duties of the office. Power of such court.

Sec. 12. The president of the courts of enquiry herein established, shall place an account of the fines against each delinquent, by such court imposed, in the hands of the sheriff of the county where such delinquent shall reside, and take his duplicate receipt therefor, and to proceed therewith; and the sheriff shall collect and account therefor, in the same manner as is directed by the forty second section of the act passed the fourth of February 1815, entitled "an act to amend and reduce into one the several acts respecting the militia." President's duty.

CHAP. CCLXXXI.

An ACT giving further time to return Plats and Certificates of Survey.

Approved December 17, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the further time of one year, from and after the 16th day of January 1822, be allowed for returning to the register's office plats and certificates of surveys made on the lands acquired by the treaty of Tellico, under the acts of assembly of this commonwealth. One year allowed to return plats and certificates for land acquired by the treaty of Tellico.

Sec. 2. *Be it further enacted,* That the further time of one year, from and after the passage of One year allowed Thomas

Shelton to re-
turn a plat and
certificate of
survey.

Two years al-
lowed to re-
turn plats and
certificates for
lands appro-
priated under
the laws of this
state

this act, be given Thomas Shelton, of the coun-
ty of Madison, for returning to the register's of-
fice a plat and certificate of a survey made by
said Shelton in the aforesaid county.

Sec. 3. *And be it further enacted*, That the fur-
ther time of two years be allowed to survey and
return plats and certificates of surveys founded
on certificates granted by the commissioners and
the county courts, under the laws for settling and
improving the vacant lands of this common-
wealth; and the register shall receive such plats
and certificates, and issue grants as in other
cases, after payment of the state price on such
claims.

CHAP. CCLXXXII.

*An ACT imposing a Duty on Sales at Auction in
the County of Jefferson, for the benefit of the
Louisville Hospital.*

Approved December 17, 1821.

Sec. 1. *BE it enacted by the General Assembly
of the Commonwealth of Kentucky*, That no person
shall hereafter exercise the business or trade of
an auctioneer, for the sale of goods, wares or
merchandise, whether dry goods or groceries,
within the county of Jefferson, unless he shall
have previously obtained from the court of said
county a license therefor; and any person who
shall hereafter act as such, without having first
obtained a license, and having given the bond
hereinafter required, shall be fined the sum of five
hundred dollars for every such sale at auction.

Auctioneers in
Jefferson coun-
ty to obtain li-
cense from the
county court.

Penalty for ex-
ercising the
calling with-
out doing so.

Auctioneers in
said county to
make quarter-
ly reports on
oath, to the
circuit judge,
of the amount
of his sales at
auction during
that period.

Sec. 2. *Be it further enacted*, That every auc-
tioneer, licensed as aforesaid, shall, on the first
day of April next, and at the expiration of every
three months thereafter, deliver a true and com-
plete statement of the amount of sales made at
auction or otherwise, by him as an auctioneer, or
under his direction, specifying particularly in
such statement the date and amount of each day's
sale, and the names of the persons owning said
goods, to the judge of the fifth judicial district;
which statement shall be verified by oath before

the said judge, and delivered by him to the president of the Louisville Hospital; and the said auctioneer shall, at the same times, pay to the treasurer of the board of the president and managers of the Louisville Hospital, two dollars for every hundred dollars of the purchase money arising from said sales.

And to pay 2 per centum on the amount of sales to the treasurer of the Louisville Hospital.

Sec. 3. *Be it further enacted*, That at the time of obtaining the license from said court, the person applying shall enter into bond, with approved security, to the commonwealth, conditioned that he will render the statement and pay over the money according to the second section of this bill; and shall also take an oath, before the clerk, that he will truly and faithfully execute the business of an auctioneer, and in every respect comply with the provisions of this law, during the term of his license. And if any auctioneer shall fail or refuse to comply with the conditions of said bond, it shall be lawful for the president and managers of the Louisville Hospital to cause suit to be instituted thereon for the benefit of said Hospital; and the said auctioneer shall moreover be fined for every such failure or refusal, the sum of five hundred dollars.

Auctioneers to give bond and security.

Condition thereof.

The bond may be sued on for a breach of the condition.

Auctioneers may be fined.

Sec. 4. *Be it further enacted*, That the court of Jefferson county be, and is hereby authorised to grant the said licenses to such discreet person or persons as they may think proper, for the term of one year only; at the expiration of which time the said license and bond may be renewed, at the discretion of said court: *Provided, moreover*, that nothing in this law shall be construed to require a license in the case of decedants' estates, sales under process of any court or judicial officer, or the sale of any thing the manufacture or growth of this state.

Auctioneers' licenses to be annually renewed by the county court.

Providing.

Sec. 5. *Be it further enacted*, That the fines hereby imposed may be recovered by action of debt or by motion in the Jefferson circuit court, in the name of the president and managers of the Louisville Hospital; and if any person shall knowingly swear falsely, in any case wherein by this law an oath is required to be taken, he shall be adjudged to have committed perjury, and shall

Fines to be recovered in the Jefferson circuit court.

Perjury may be committed by swearing falsely to the statements re-

quired to be made by this act.

The sums received to be appropriated to the use of the Hospital. The president and managers to make an annual report to the legislature of the amount by them received, & the names of the auctioneers, &c. &c.

suffer the pains and penalties thereof, prescribed by the laws of this commonwealth.

Sec. 5. *Be it further enacted*, That the sums which may be received by virtue of this law, shall be appropriated by the said president and managers to and for the use of the Louisville Hospital, and for no other purpose whatever; and the said president and managers shall, at the next annual session of the legislature, and at every session thereafter, render to the general assembly, within ten days after their meeting, a true statement, shewing the sums of money received, together with the names of the auctioneers by whom, and the times at which they were paid.

CHAP. CCLXXXIII.

An ACT for the benefit of the heirs of William Allen, deceased.

Approved December 17, 1821.

Recital.

WHEREAS it is represented to the present general assembly, that William Allen, late of the county of Fayette, departed this life intestate, having the equitable title to two certain tracts of land, the one containing two hundred and fifty acres, lying in Warren county, and the other containing one hundred acres, lying in Union county; and it appearing from the petition of Susan Allen, administratrix, and William Allen, administrator of the said estate, that they have no other property which can be more advantageously appropriated for the discharge of the debts of the said deceased, than the said two tracts of land, or so much of the proceeds thereof as may be necessary for the discharge of the said debts: Therefore,

Adm'rs authorised to sell certain lands.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said Susan Allen and William Allen be, and they are hereby authorised to sell the said two tracts of land, on such terms and at such price as shall appear to them most for the benefit of the heirs of said estate, and apply so much of the money

arising from said sale as may be sufficient for the payment of the just debts of said deceased, and that they account for the balance as for other assets in their hands.

Sec. 2. *Be it further enacted*, That the said Susan Allen and William Allen shall have full power and authority to assign over and transfer all the right and title which the heirs of said deceased have to said land; and if the widow should join in the said transfer, it shall operate as a complete divestiture of her right of dower.

Sec. 3. *Be it further enacted*, That before the said Susan Allen and William Allen shall be at liberty to proceed and sell the lands aforesaid, they shall give bond and security, in the usual form, in the county court of Fayette, in a penalty double the value of said lands, conditioned for a due and faithful administration of the proceeds of sale, by the application of the same to the payment of such debts as are due by said estate, and for the payment of the balance remaining to the heirs of said William Allen, in the mode now directed by law. To give bond, &c.

CHAP. CCLXXXIV.

An ACT to establish a Literary Fund, and for other purposes.

Approved December 18, 1821.

WHEREAS the well known and important Preamble influence of general education, upon the habits, the morals, the religion, and consequently the happiness of society, cannot fail to present the subject to the present general assembly as an object of primary importance to the state of Kentucky: Therefore, with a view to carry into effect, as early as practicable, a system of diffusive education, which shall be calculated to meet the just expectations of the country, and the intentions of the legislature in the establishment of the Bank of the Commonwealth of Kentucky,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That one half of the clear profits that have arisen, and may One half of the clear annual profits of the Commonwealth

Bank appropriated as a fund for literary purposes.

To be hereafter distributed to the several counties of this state.

The president & directors of the bank to cause an account thereof to be kept and reported annually to the legislature. Profits to be re-loaned upon good security.

Commrs appointed to obtain information and digest a plan of common schools suited to this state.

The several county courts to lay off their counties into school districts.

hereafter arise to the state, from the operations of the Bank of the Commonwealth of Kentucky, be, and the same is hereby set apart and appropriated as a fund which shall be known by the name of the Literary Fund, and forever maintained as such, for the establishment and support of a system of general education, to be distributed in just proportions to all the counties of this state, and applied to said purpose, under such regulations as the legislature may devise and adopt.

Sec. 2. *Be it further enacted*, That it shall be the duty of the president and directors of said bank to cause accounts to be kept in the books of the institution, to which shall be transferred all such dividends or profits arising to, and constituting the literary fund as aforesaid, the state of which shall be annually reported to the legislature; and all sums so arising shall remain as a deposit in the bank, to be re-loaned, upon good security, until further provided for, agreeably to the intentions of this act.

And that the foregoing provisions may, as early as possible, be realized, and that this state may be benefitted by the experience of other states, in adopting a system suited to its own peculiar circumstances and habits:

Sec. 3. *Be it further enacted*, That David R. Murray, John Pope, John R. Witherspoon, William T. Barry, David White, jun. and William P. Roper, are hereby appointed and requested to collect such information in relation to the subject as they may deem necessary to enable them to digest a plan of schools of common education, suited to the condition of this state, and that the same be submitted to the next legislature within the first week of its session.

Sec. 4. *Be it further enacted*, That for the purpose of enabling the legislature more easily to carry the foregoing provisions into effect, it shall be the duty of the county courts of the commonwealth to lay off their respective counties into any number of school districts, not less than four, or more than sixteen, on or before the April term of said courts.

Sec. 5. *Be it further enacted,* That it shall be the duty of the respective commissioners of tax in the several counties in this state, to add one column in their book of taxable property, in which they shall take down the number of all children within each school district, as established by the county courts, between the ages of four and fourteen, and the same shall be transmitted to the auditor's office with the books aforesaid; and it shall be the duty of the clerks of the several county courts, as soon as practicable after the districts are established, to deliver to the commissioners the boundaries of the school districts within the precinct allotted to each commissioner.

Comm'rs of the tax in the several counties to take the number of children in their districts, between the age of 4 & 14.

CL'ks of county courts to deliver the comm'rs the boundaries of the school districts.

And whereas [in] all [well] regulated systems of general education, different grades of literary institutions ought to be established, in which the poor and most humble of our citizens can equally participate with the wealthy; as the most splendid talents are often drawn from obscurity and indigence, and as the genius of our government opens the door of office to all classes of society, it is deemed just and reasonable that there should be one common head to all the literary institutions of the state, and which shall combine the free schools and colleges into one central point; and as the Transylvania University belongs to the state, it ought to be so organized that this desirable object can be effected: Therefore,

Further preamble.

Sec. 6. The board of trustees of Transylvania University shall, prior to the first day of February 1822, file with the cashier of the Branch Bank of the Commonwealth of Kentucky located in Lexington, a correct and detailed statement of the debts due by said institution, or contracted prior to the first day of December 1821; and the cashier of said branch bank is hereby directed to pay over to the treasurer of the board of trustees of said University, under the order of said board, one half of the clear profits which may have accrued upon the loans made by said branch bank, or which may from time to time

Donation to the Transylvania University out of the net proceeds of the Branch Bank of the Commonwealth at Lexington.

accrue and be declared, until said debts so due and contracted shall be discharged.

Chairman of the board of trustees to report to the next legislature the amt received from said bank.

Previso.

Additional trustees appointed, & the powers vested in them.

Sec. 7. It shall be the duty of the chairman of the board of trustees of said University, and of the cashier of the said Branch Bank of the Commonwealth, to report to the general assembly, within ten days after the meeting of the next legislature, the amount of money paid to the treasurer of said board of trustees under the provisions of this act: *Provided*, the sum hereby appropriated shall not exceed (the sum of) twenty thousand dollars.

Sec. 8. *Be it further enacted*, That Alexander Parker, John Bradford, William Leavy and John Tilford, shall be, and are appointed trustees of the Transylvania University, in addition to those already elected at the present session; and the said trustees hereby appointed, with those already elected, shall continue in office and exercise all the powers belonging to the trustees of the said University, under or by virtue of the laws now in force, until the legislature shall deem it expedient to make another election or choice of trustees for said institution.

Made the duty of the trustees to regulate the funds of the University without a view to further appropriations or endowment

Sec. 9. *Be it further enacted*, That it shall be the duty of the trustees of the said University to manage the affairs and regulate the expences of said institution according to its funds and revenues, without any view to farther appropriations from the legislature; and they are hereby expressly interdicted from incurring any debts, under a hope or expectation of aid from this government, or which may endanger or impair the funds or property belonging to said institution; it being the true intent of this act, to terminate all claim on the part of said University to support from the public treasury or other funds of the government.

Donation to the Centre College, at Danville.

Sec. 10. That for the purpose of enabling the trustees of the Centre College of Kentucky to purchase a library and philosophical apparatus, the one third of the clear profits of the Branch Bank of the Commonwealth of Kentucky located at Harrodsburg, so far as the same is derived from the borrowers who reside in the county of

Mercer, be, and the same is hereby appropriated, for and during the term of two years, to commence on the first day of January next; and the same shall be paid over by the cashier of said branch, semi-annually, to the order of the board of trustees of said college.

Sec. 12. For the purpose of enabling the trustees of the Southern College of Kentucky to purchase a library and philosophical apparatus, the one third of the clear profits of the Branch Bank of the Commonwealth located at Bowling Green, so far as the same is derived from the borrowers who reside in the county of Warren, be, and the same are hereby appropriated, for and during the term of two years, to commence on the first day of January next; and the same shall be paid over by the cashier of said branch, semi-annually, to the order of the board of trustees of said college.

Donation to
the College at
Bowling Green.

CHAP. CCLXXXV.

An ACT for a change of venue in the case of Elisha English.

Approved December 18, 1821.

WHEREAS it is represented to the present ^{Regular} general assembly, that Elisha English stands indicted in the Henry circuit court, for stealing and selling Ishmael Lancaster, a free person of colour; and that owing to existing prejudices in said circuit against said English, it is apprehended he cannot have a fair and impartial trial: For remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That at the next sitting of the circuit court held in and for Henry county, the said Elisha English appearing in court to answer said indictment, may, and is hereby authorised and allowed to make his election whether he will be tried in the Gallatin circuit court or not. ^{The prisoner may elect to be tried in Gallatin.}

Sec. 2. *Be it further enacted,* That if the said Elisha English shall, when the question of election is put to him by the judge of the Henry circuit court, elect to be tried in the Gallatin circuit ^{Upon making his election to be tried in Gallatin, and entering into a}

recognizance for his appearance, the papers, &c. to be sent by the clerk of Henry to Gallatin, by the sheriff of Henry.

court, and shall enter into a recognizance, himself in the sum of five hundred dollars, and two securities in the sum of two hundred and fifty dollars each, conditioned to be void on his making his appearance in court on the first day of the next term of the circuit court for the county of Gallatin, and there remain and abide until discharged by due course of law, the judge of the Henry circuit court shall have his election entered of record; and the clerk of the Henry circuit court shall make a certified copy of all the orders of court, and of the recognizance aforesaid, to be sent with the indictment and other papers belonging to the prosecution, to the clerk of the Gallatin circuit court, in the manner hereinafter directed.

Witnesses for the commonwealth to be recognized.

Copies of recognizances, &c. to be sent to the clerk of Gallatin.

Upon the election of said English being made to be tried in the Gallatin circuit court, the judge of the Henry circuit court shall recognize all the witnesses in behalf of the commonwealth, to appear on the first day of the next term of the Gallatin circuit court, or upon any other day he may appoint or direct for the trial of the aforesaid prisoner in the county of Gallatin, and not to depart thence without leave of the court; attested copies of which recognizances, and of the recognizance first mentioned, shall be transmitted with the other papers belonging to the prosecution, to the clerk of the Gallatin circuit court, and be as binding, and subject to the like proceedings as other legal recognizances now are.

Clerk of Henry to deliver the papers to the sheriff of Henry, & take his receipt.

Sheriff of Henry to deliver them to clerk of Gallatin circuit court, and take his receipt.

Clerk of Gallatin to issue *venire facias*, &c.

Sec. 3. That as soon as practicable after the order of election made as aforesaid, the clerk of the Henry circuit court shall make out certified copies of the orders of his court made in said prosecution, and shall deliver them, together with the indictment and other papers filed therein, to the sheriff of his county, and take his receipt therefor; and thereupon the said sheriff shall, with all convenient dispatch, deliver them to the clerk of the Gallatin circuit court, and take his receipt therefor; and the clerk of the said Gallatin circuit court shall be, and he is hereby authorised to issue a *venire facias*, subpoenas, and any other necessary process, in the same manner as in any other prosecution com-

menced in his own court; and the circuit court in and for the county of Gallatin shall have the same jurisdiction, and possess the same power and authority to try said prisoner, as they would have had in case said prosecution had commenced; and said indictment originated in the Gallatin circuit court, and as said court would have had if the offence for which said indictment was found had been committed within the jurisdiction thereof; and the prosecution shall proceed in the same manner, and the same challenge of jurors may be had: *Provided, however,* that the said Elisha English shall not be discharged at the first or second terms of the said Gallatin circuit court, after the venue is changed, if through any casualty a trial shall not be sooner had.

Power of trial, &c. vested in the Gallatin circuit court.

Proviso.

Sec. 4. *Be it further enacted,* That the said Elisha English, provided he avails himself of the change of venue hereby granted him, shall not be allowed by the court to take advantage of a failure of the witnesses for the commonwealth to attend on the first and second terms of the Gallatin circuit court next after the change is had, so as to claim a discharge, or go without bail, from said indictment on that account.

Prisoner not to be discharged for failure of witnesses to attend at the first or second terms.

Sec. 5. *Be it further enacted,* That if either the sheriff or clerk of the Henry circuit court shall fail or refuse to perform all or any of the duties by this act directed, each of them shall be subject to a fine of two hundred dollars, recoverable by reasonable notice or a rule of court to that effect with proper time given, in the Henry circuit court, in favor of the commonwealth; which fine or sums shall go to lessening the county levy.

Penalty on the clerk or sheriff for failing to discharge their duties under this act.

CHAP. CCLXXXVI.

An ACT for the benefit of the heirs of William Shannon and James Bristoe.

Approved December 18, 1821.

WHEREAS it is represented, that William Shannon, jun. late of Shelby county, departed this life, entitled, in common with sundry co-heirs, to various parcels of land in this common.

Recital.

wealth, some of small quantities, not susceptible of suitable partitions; and that the widow and heirs of said Shannon are not in the entire and exclusive possession of the said tracts of land: Therefore,

Comm'r's appointed to sell and convey lands of Wm. Shannon deceased, & invest the proceeds in other good lands

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Alexander Reed, George Robison, James Shannon, John Harbison and John Howel, or a majority of them, be, and they are hereby appointed commissioners, with full power and authority to sell and convey the whole, or so much of said tracts of land as they may think expedient; and such sales may be made with such credits as said commissioners may believe will best comport with the interests of said widow and heirs. And the money arising from the sale of said lands shall be laid out in the purchase of other good lands, in the names and for the benefit of the widow and heirs of said Shannon.

May also compromise & settle conflicting claims to the land of the estate.

Sec. 2. *And be it further enacted,* That the said commissioners shall have full power and authority to settle, compromise and adjust all matters relative to the claims which the said Shannon had to lands previous to his death: *Provided, however,* that the said commissioners, before they proceed to sell and convey any of the said lands, shall execute bond, with approved security, in the penalty of three thousand dollars, in the county court of Shelby, conditioned for the true and faithful performance of the powers and trusts herein confided.

To give bond, &c.

Further recital.

And whereas it is also represented that the real estate of James Bristoe, deceased, is greatly incumbered with conflicting claims, and that it will be beneficial to his creditors and heirs, to vest in certain persons, as their guardians, full power to sell or compromise all or any part thereof: Therefore,

Comm'r's appointed to sell, compromise or arbitrate the lands claimed by J. Bristoe, deceased.

Sec. 3. *Be it further enacted,* That George Waller, George Woolfolk, Thomas B. Wilson, Rebecca Bristoe and Francis Jackson, or any three of them, be, and they are hereby appointed commissioners, with full authority to sell and compromise the whole or any part of the lands

claimed by the said James Bristoe at his death, upon such terms as may seem best for his heirs; and to execute deeds against his heirs in favor of those, or their assignees or representatives, with whom they shall enter into any bargain of sale or compromise. And the said commissioners shall have full power to enter into any terms of arbitration in relation to the lands claimed by the said Bristoe. And those appointed under this section shall also execute bond, with security, to be approved of in the manner herein before provided, in such penalty as the court shall require. To give bond and security.

CHAP. CCLXXXVII.

An ACT to ascertain and mark the division lines between certain Counties.

Approved December 18 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the surveyors of Grant, Campbell, Pendleton and Boone, are hereby appointed commissioners, or any three of them may act, after notice having been given to them all, to ascertain and mark distinctly the division lines between the counties of Grant, Boone, Campbell, Pendleton and Gallatin, commencing at the point on the east side of Main Licking, where the Pendleton and Campbell line strikes said river; thence running south seventy-six degrees west, until it shall intersect the old line, then called the Scott and Franklin line, and from thence to David Gibson's house, in Gallatin county; thence to the Ohio river, opposite said Gibson's house in Gallatin county—run so as to leave said Gibson in Gallatin county; thence to the Ohio river, opposite said Gibson's house, agreeably to the act of this legislature, approved the 27th day of December 1820, to add a part of Gallatin to Boone county.

Commrs appointed to run and mark the division lines between Grant, Campbell, Pendleton and Boone counties.

The commencement & course of the lines to be run.

SEC. 2. *And be it further enacted.* That when the aforesaid lines shall have been run and marked as aforesaid, all persons who may now be doubtful as to which county they should properly

After running the lines, persons now doubtful of the county in

which they reside, residing in either of said counties, to list and pay their taxes in the county in which they may be found to reside.

Proviso.

The compensation to the comm'rs.

To be paid by their respective counties.

Comm'rs appointed to run and mark the division line between the counties of Henderson & Union. Beginning and courses of the line.

Comm'rs' allowance and mode of payment.

ly belong, and who may have had their property listed for taxation improperly, either in one or more counties, shall be compelled thereafter to pay their taxes only in the county in which they shall properly belong: *Provided, nevertheless,* that the aforesaid person or persons shall, immediately after the line shall have been established, go before the clerk of the county court to which they shall then properly belong, and list his, her or their property as the laws direct in other cases of failures.

Sec. 3. *And be it further enacted,* That the aforesaid commissioners shall, for their services, receive, each, from the several counties to which they belong, the sum of three dollars per day, for the time they are necessarily employed in performing the aforesaid services, to be paid them out of the county levies to be laid for the year 1822.

Sec. 4. That Robert Smith, of Henderson county, and Reuben B. Berry, of Union county, and the surveyor of Henderson county, be, and they are hereby appointed commissioners, to run and mark the boundary line between Henderson and Union counties, beginning at the upper point of the Eighteen Mile island, formerly called Elk island, on the Ohio river; thence a straight line to Highland creek, one mile above Higgins' mill, measured along the meanders of the creek; thence up said creek to the White Lick fork thereof; thence a direct and straight line, by Harp's Head, to the line of Hopkins county; and the said line, when run, is hereby established and declared to be the permanent dividing line between the said counties of Henderson and Union.

Sec. 5. The said commissioners shall be allowed three dollars per day for the time they are engaged in running and marking said line, which shall be paid by the counties of Henderson and Union, out of the county levies to be laid for the year 1822, each county paying one half the expense.

CHAP. CCLXXXVIII.

An ACT for the benefit of Henry S. Langford, infant heir of Stephen Langford, deceased.

Approved December 18, 1821.

WHEREAS it is represented to the present Recital. general assembly, that Henry S. Langford, infant heir of Stephen Langford, deceased; holds an undivided interest in six hundred and odd acres of land, lying in Clay county, on Little Goose creek, patented in the name of the said Stephen Langford in his lifetime; and whereas it is further represented, that there are debts against said estate, and that the personal property is not sufficient for the payment of the debts: Therefore;

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky;* That the county court of Rockcastle county, is authorised and directed, upon the application of Lewis Langford, mother and guardian of said Henry S. Langford, to appoint some fit person as commissioner, to sell, for the best price that can be had, at such credits as he may deem best, not exceeding two years, all the interest of the said Henry S. Langford, in or to said tract of land, and convey to the purchaser or purchasers the right and title vested in the said Henry S. Langford.

County court of Rockcastle to appoint a comm'r to sell & convey certain lands of the deceased.

Sec. 2. *Be it further enacted,* That said commissioner, before he enters upon the duties prescribed by this act, shall, in the county court of Rockcastle, enter into bond with one or more securities, to be approved of by said court, in such a sum as they may deem proper, with a condition that he will truly and faithfully execute the powers granted him by this act. Which money, when received by him, shall be considered as assets in his hands for the payment of debts due from said Henry S. Langford; and upon any breach of the condition of said bond, the afore-said commissioner and his security or securities shall be liable to a suit or suits on said bond, by the party or parties aggrieved, in any court having jurisdiction of the same; and if any balance shall remain in the hands of said commissioner,

To give bond and security.

Condition thereof.

May be sued on for a breach of the condition;

at the time the said Henry S. Langford shall arrive of full age, the said commissioner is authorised to pay it over to him, and take his receipt for the same, after retaining all costs and charges.

CHAP. CCLXXXIX.

An ACT for the benefit of the Seminary in Harlan County.

Approved December 18, 1821.

Recital.

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, that the justices of Harlan county have heretofore sold the donation lands allowed by law to said county for the use of a seminary of learning, and doubts are entertained whether they are legally authorised to convey the said land: Therefore,

County court of Harlan authorised to convey their donation lands. Proceeds of sale to be applied to purchasing books, &c.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky.* That the justices aforesaid, by themselves or their agent, are authorised and empowered to convey the six thousand acres allowed by law as aforesaid, or any part thereof; and the proceeds thereof shall be applied to building a house, and purchasing books for the use and benefit of the said seminary of learning.

Register to receive plats & certificates of surveys for their donation lands, & issue grants.

Proviso.

Sec. 2. *Be it further enacted,* That the register of the land office shall receive any plats and certificates of surveys that may have heretofore been made by order of the county court aforesaid, register the same, and issue grants thereon as in other cases: *Provided, however,* that no survey returned as aforesaid shall be for a less quantity than one hundred acres, except bounded all round by prior claims.

Act to continue in force two years.

This act shall be in force for two years from and after the passage.

CHAP. CCXC.

*An ACT to amend and repeal in part an act entitled
 "an act establishing and laying off a Town at
 the Iron Banks," approved December 27, 1820.*

Approved December 18, 1821.

SEC. 1. *BE it enacted by the General Assembly* So much of the
of the Commonwealth of Kentucky, That so much act of last ses-
 of the eighth section of the act of the general as- sion as re-
 sembly, entitled "an act for establishing and quires the trust-
 laying off a town at the Iron Banks," approved tees to give
 December the 27th, 1820, as requires the said bond, repealed.
 trustees to execute bond, in the penalty of fifty ed.
 thousand dollars, to the commonwealth, be, and
 the same is hereby repealed.

Sec. 2. *Be it further enacted,* That the said Trustees to
 trustees, or a majority of them, shall have full appoint a
 power and authority to appoint a treasurer for treasurer
 said town, and the same to remove at pleasure,
 and re-appoint whenever a vacancy shall happen;
 whose duty it shall be to receive all moneys aris-
 ing from the sale of lots in said town, in the same Who is to re-
 manner that the trustees aforesaid in and by ceive and ac-
 said law were required to do, and shall pay the count for all
 same into the public treasury; and upon failure, moneys rec'd:
 shall be answerable for such defalcation, in the for the sale of
 same manner as is prescribed by said recited act. lots.

Sec. 3. *Be it further enacted,* That said trustees Treasurer to
 shall notify the governor of this commonwealth execute bond
 of such appointment, whose duty it shall be to with the gov-
 take bond and good security, in the penalty of ernor.
 fifty thousand dollars, of the said treasurer, pay-
 able to the commonwealth, conditioned faithfully Condition
 to pay into the treasury any and all of the money thereof.
 arising from the sale of the lots in said town;
 which bond shall be filed in the office of the secre-
 tary of state, and may be put in suit for a breach
 thereof.

Sec. 4. *Be it further enacted,* That it shall be Trustees of
 the duty of the said trustees to furnish the audi the town to
 tor of public accounts with a correct list of the furnish the au-
 number of lots sold, the names of the purchas- ditor with the
 ers, and amount of purchase money. number of lots
 sold, the names
 of the purchas-
 ers & the price

Sec. 5. *Be it further enacted,* That it shall and
 may be lawful for the said trustees, in addition to

May sell fifty
out lots in said
town.

the number of in lots now authorised to be sold by said act, at their discretion, to sell any number of out-lots in said town, not exceeding fifty, under the same regulations and terms as prescribed for the sale of said in-lots, in the act aforesaid.

Treasurer to
take an oath of
office.

Sec. 6. *Be it further enacted*, That said treasurer, appointed under this act, shall, before some justice of the peace, take an oath faithfully to discharge the duties of the office of treasurer in and for the town of Columbus; and he shall be entitled to a commission of five per centum per annum upon all sums by him received and paid into the treasury.

His compensa-
tion and mode
of payment.

Notes of the
Banks of Ken-
tucky and the
Commonwealth,
to be received
in payment for
lots sold

Sec. 7. *Be it further enacted*, That the said trustees and treasurer shall receive [in] payment for the lots aforesaid, sold under the provisions of this and the said recited act, notes on the Bank of the Commonwealth, or notes of the Bank of Kentucky; and the respective branches thereof.

And to be paid
into the treas-
ury for the use
of the officers
and soldiers of
the Virginia
state & conti-
nental lines.

Sec. 8. *Be it further enacted*, That whatever moneys shall be paid into the treasury, arising from the sale of lots in the town of Columbus, or of the adjoining lands donated by the state of Virginia to her state and continental lines, shall be appropriated for the use and benefit of the officers and soldiers of those lines, or their legal representatives, to be distributed in such just and equitable proportions as shall hereafter be directed by law.

The trustees
may sue out
writs of forcible
entry & detain-
er against
persons act-
ing on the
lots without
lawful authori-
ty.

Sec. 9. *Be it further enacted*, That where any person may have taken possession, or may hereafter take possession, without lawful authority, of any in or out lot, whether the same be improved or not, lying within the town limits of the town of Columbus, the property of this commonwealth, it shall and may be lawful for the trustees of said town, in the name of the Trustees of the Town of Columbus, for and on behalf of this commonwealth, to sue out any writ of forcible entry and detainer, or writ of forcible detainer, against the party forcibly entering and detaining; or forcibly detaining any such lot or lots, with the improvements; and the trial thereof, in all respects, shall be governed by the same rules and regula-

The mode of
proceedings
thereon.

tions as are now prescribed by law in relation to such writs : *Provided, however,* that the limitation of two years shall not apply to any such cases.

Sec. 10. *Be it further enacted,* That if on a final trial, judgment of ouster shall be awarded against any occupant of such lot or lots, the said trustees, by the name and style aforesaid, may have an action of trespass against any such occupant, to recover a reasonable rent for the use and occupation of such lot or lots, any law to the contrary notwithstanding; and all moneys recovered by virtue of this act, shall be appropriated to the improvement of the streets and alleys of said town of Columbus.

May recover rent, &c.

To be applied to the improvement of the town.

CHAP. CCXCI.

An ACT for the benefit of the Clerk of the Nicholas Circuit Court, and for other purposes.

Approved December 19, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the clerk of the Nicholas circuit court, who has failed to execute his official bond in the time prescribed by law, shall be, and he is hereby allowed six months, from and after the passage of this act, to execute his official bond; which bond, when executed, shall be as effectual to all intents and purposes, as if the same had been executed in the time prescribed by any law in force on that subject.

Six months allowed the clerk to execute his official bond.

Sec. 2. *Be it further enacted,* That the clerk of the said circuit court of Nicholas, be, and he is hereby directed to procure a well bound book, and that he transcribe therein, in a fair and legible hand, all the records of executions and returns made thereon which now remain in the defaced execution book in his office, which commenced in 1808, and continued up to 1820; and when he shall have completed such transcript, he shall render to the Nicholas circuit court an account, on oath, specifying the price paid for said book by him, together with the number of words

The execution book of that office directed to be copied,

The clerk to be paid for such copy, out of the taxes he may receive.

and figures contained in said book ; and said court shall thereupon certify to the auditor of public accounts the amount that said clerk shall be entitled to, allowing the price paid for said book, and one and a half cent for every twenty words and figures contained therein ; which the auditor is directed to allow and pay out of any taxes that may be received by said clerk on law process or seals of office.

The transcript
& copies there-
from may be
used as evi-
dence

Sec. 3. The transcript thus made in the book hereby directed to be procured, and all copies regularly certified therefrom, shall have the same force and effect as the book hereby directed to be transcribed, or copies obtained therefrom, would or might have had, either in law or equity.

CHAP. CCXCII.

An ACT for the benefit of the widow and heirs of John Willett, deceased.

Approved December 19, 1821.

Comm'r ap-
pointed to sell
a negro be-
longing to the
estate

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That Raphael Lancaster be, and he is authorised to make sale of a negro man named Tob, the property of the estate of John Willett, deceased, to the highest bidder, on a credit of twelve months, and shall take bond with approved security for the purchase money, from the purchaser, payable twelve months after date.

To give bond
and security.

Condition
thereof.

Sec. 2. The said Raphael Lancaster shall, before he shall make the sale contemplated by this act, enter into bond, with one or more good and sufficient securities, in the county court of Washington, to be approved by said court, payable to the widow and heirs of said Willett, deceased, conditioned for the true and faithful discharge of the trust by this act in him reposed, and the payment of the proceeds of said sale to the widow and heirs of said Willett, deceased, or the guardian of such heir or heirs as are under the age of twenty-one years, according to their respective rights and interest, when the same be col-

ected. *It is further provided, that said trustee Comm'r to shall give due notice, by public advertisement, of give notice of the time and place of making said sale.*

CHAP. CCXCIII.

An ACT for the benefit of Champ Mullens, of Rockcastle County.

Approved December 19, 1821.

WHEREAS it is represented to the general Recital.
assembly, that Champ Mullens, of Rockcastle
county, did, on the first day of November 1816,
obtain from the register of the land office a Ken-
tucky land warrant for one hundred acres, No.
1267, by virtue of which warrant he caused a
survey to be made in Rockcastle county, as he
then thought, on waste and unappropriated land,
and returned a plat and certificate thereof to the
register's office; and some time afterwards, a
certain Hetty Hall caused a survey to be made
by virtue of a Lincoln county court certificate,
and caveated the claim of said Mullens, which
claim is superior to his, and covers nearly all of
the said one hundred acres: For remedy where-
of,

Be it enacted by the General Assembly of the The register
to issue a land
warrant to him
for 100 acres.
Commonwealth of Kentucky. That the register of
the land office is authorised and directed, upon
application, to issue a land warrant for one hun-
dred acres, directed to the surveyor of Rockcas-
tle county, for the use and benefit of the said
Champ Mullens, without the state price being
paid for the same, any law to the contrary not-
withstanding.

CHAP. CCXCIV.

An ACT for the relief of Culvin Sanders and Elizabeth Davenport.

Approved December 19, 1821.

WHEREAS it is represented, that Culvin Recital.
Sanders did, in November 1820, erect a billiard
table, and proceed afterwards, as he supposed,

agreeably to law, to enter the same for taxation, but without effect; whereby he has incurred the penalty of the law, and is subject to suit on account thereof: For remedy whereof.

C. Sanders.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky.* That upon the said Sanders paying to the sheriff of Shelby county, at the rate of two hundred dollars a year from the time of setting up said table to the 10th day of March next, he shall be released and discharged from all tax and liability on account of his failure aforesaid. And the sheriff shall be liable for the amount which shall be paid to him under this act, in the same manner, in every respect, as he is by law for so much of the public revenue received by him.

Recital.

And whereas it is further represented, that Elizabeth Davenport entered a billiard table for taxes in 1819, and paid the amount thereof; that not intending to make use of it the year then ensuing, she caused it to be taken to pieces; but that her son, without her consent, had it put up, out of her house, where it was used for about two months; and that she is charged with the tax of two hundred dollars, the commissioner having entered the table in the year 1820: For remedy whereof,

E Davenport.

Sec. 2. *Be it enacted,* That the said Elizabeth be, and she is hereby released and discharged from the tax for the year last aforesaid, except two months, at the rate of two hundred dollars per annum; and that for the residue the sheriff shall give her credit by virtue of this act. And the auditor of public accounts shall give the sheriffs of Mercer and Shelby credit for the same, respectively.

CHAP. CCXCV.

An ACT for the benefit of the heirs of Archibald Marshall, deceased.

Approved December 19, 1821.

Recital.

WHEREAS it is represented, by the administrators and other legal representatives of Archi-

baud Marshall, deceased, that owing to the embarrassed situation of said decedant's estate, it has become necessary that a sale should be made of the lands and negroes belonging to the same, for the purpose of paying the debts and making a final settlement: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James P. Ashley be, and the same is hereby appointed commissioner, for the sale of the said lands and negroes; and he is hereby authorised and empowered to sell the same at such time, on such terms and in such manner as he may deem reasonable, and also to make all deeds necessary for the conveyance of the land so sold.

Comm'r appointed to sell & convey certain property of said heirs.

Sec. 2. *Be it further enacted*, That the said commissioner shall, before the county court of Nicholas, enter into bond, with approved security, under such penalty and in such form as the said court may direct, conditioned that he will pay over the proceeds of such sale to the *bona fide* creditors of the estate, and to pay the overplus, if any, to the legal representatives: *Provided, however*, that this act shall apply only to the plantation in Nicholas county, on which the said Archibald Marshall lived, and his town lots in Carlisle.

To give bond and security.

Condition thereof.

Proviso.

CHAP. CCXCVI.

An ACT to amend an act appointing persons to view a way for a Road from Danville to the Tennessee Line.

Approved December 19, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the second section of the act entitled "an act appointing persons to view a road from Danville to the Tennessee line," approved December the 21st, 1820, as compels the county court of Cumberland to levy any money for the purpose of paying commissioners, chain-carriers, surveyors and markers, shall be, and the same is hereby repealed.

A part of the second section of recited act repealed.

Sec. 2. *Be it further enacted,* That the county courts of Monroe and Barren are hereby authorised, provided a majority of said courts shall deem it necessary, to levy on their respective counties their equal proportion of the expences attending the viewing of said road, agreeable to the aforesaid act.

Sec. 3. *Be it further enacted,* That James Gholson, William A. Walthall, John E. King and James Young, be, and they are hereby appointed commissioners to view the most practicable way for a road from Moses Stone's, in Adair county, through Burksville in Cumberland county, to a point on the state line where a road now opening by Moses Fisk is intended to cross the said line; and the said commissioners, or any three of them, shall view and report the same to the county court of Cumberland county, on or before the first day of March next, and file the same with the clerk of said court.

To report to
Cumberland
county court.

Sec. 4. *Be it further enacted,* That it shall be the duty of the county court of Cumberland, at their next March court, to lay off said way, as viewed by said commissioners, into convenient districts, and appoint an overseer to each of said districts, allotting to each overseer a sufficient number of hands to perform the necessary labor in his bounds. And it shall be the duty of each of said overseers to cause the aforesaid road to be opened thirty feet wide, causing the same to be well dug and smoothed. And it shall and may be lawful for each of said overseers to give reasonable notice to those persons who may be by the county court assigned him to work on said road, and shall be governed by the laws now in force on the subject of roads: *Provided, however,* that the overseers shall not compel their hands to perform any labor on said road in the county of Adair.

Who are to
cause a road to
be opened agreeably
to the report,
within bounds
of their county

The manner in
which the
same is to be
done.

Sec. 5. *Be it further enacted,* That it shall be the duty of the county court of Adair, by an order to be made at their next March term, to cause all that part of said road which lies between said Moses Stone's and the line dividing the county of Adair and Cumberland counties,

County court
of Adair to
cause that part
lying in said
county to be
opened.

to be opened thirty feet wide, the same to be well dug and smoothed, and keep the same in good repair.

Sec. 6. *Be it further enacted.* That each of the commissioners who shall perform any of the aforesaid services, in viewing the way for the aforesaid road, shall be allowed two dollars per day for each day they may be engaged in viewing and reporting on said road; which sum shall be paid out of the next depositum of the county levy of Cumberland county.

Compensation to comm'rs.
To be paid by Cumberland county.

Sec. 7. *Be it further enacted,* That it shall and may be lawful for said courts of Monroe, Barren, Adair, Casey and Lincoln, to lay off so much of said road as will run through their respective counties into precincts, and appoint overseers, and allot hands, and have the same opened at least forty feet wide, as soon as practicable: *Provided* a majority of said courts may deem it necessary. It shall also be their duty to cause said roads to be kept in good repair; and shall, if they deem it expedient, cause to be levied on the citizens of their respective counties, at their February courts next, or any other they may think proper, such sums as shall be necessary to defray the expences of the viewers, surveyors, chain-carriers and markers, according to each county's proportion of such road as may run through the same.

County courts of Barren, Monroe, Adair, Casey and Lincoln may cause so much of the road as will pass thro' said counties to be opened & kept in repair
And may levy on their respective counties to defray the expences &c.

CHAP. CCXCVII.

An ACT for the division of Floyd County.

Approved December 19, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That from and after the first day of March next, all that part of the county of Floyd contained in the following bounds, to wit: Beginning on the Tugg fork of Sandy river, at the mouth of Wolf creek; thence running with the dividing ridge between the waters of Wolf creek and the waters of Big creek, so as to strike a point between the mouth of Brashy creek and John's creek; thence a straight

Bounds of the county of Pike

line to the mouth of Hurricane creek ; thence with the dividing ridge between Mud and Hurricane creeks to the dividing ridge between Robertson and Mud creeks ; thence with said ridge to Perry county line ; thence with said line to the state line, and with the state line to the Tugger fork of Sandy river ; thence running down said fork and state line to the beginning, shall be one distinct county, called and known by the name of PIKE, in honor of General Zebulon M. Pike, who fell at the battle of Yorktown, in Upper Canada.

For whom called.

The justices commissioned to meet and qualify their sheriff, appoint their clerk, &c.

Sec. 2. The justices of the peace for the county of Pike, who are directed to be appointed by this act, shall meet at the house of Spencer Adkins, in said county, on the fourth Monday in March 1822 ; and after taking the necessary oaths of office, and after qualifying their sheriff, agreeably to the constitution of the United States, and the constitution and laws of this state, they shall proceed to appoint a clerk, to whose permanent appointment a majority of all the justices in commission, in and for said county, shall be necessary ; but if such majority cannot be obtained in favor of any one candidate, then the court shall appoint one *pro tem*.

Times of holding the circuit and county courts.

To compose a part of the 11th judicial district.

Sec. 3. The county court shall be held on the fourth Mondays in every month, except the months in which the circuit court shall be held, and the circuit court shall be held on the fourth Mondays in April, July and October, and may, if necessary, continue to sit six judicial days ; and shall form a part of the eleventh judicial district.

The circuit & county court of Floyd to have jurisdiction, until the first of March, in the bounds of Pike county

The sheriffs, &c. of Floyd may collect

Sec. 4. The circuit and county courts of Floyd county, and the justices of the peace therein, shall have jurisdiction over all matters in law or equity, instituted prior to the first day of March next.

Sec. 5. It shall be lawful for the sheriffs and collectors in Floyd county to collect all fines and moneys, and to execute all process, writs and executions, as the law directs, which were put into their hands prior to the first day of March

next, and account for the same as if this act had not passed.

Sec. 6. The county court of Pike county shall appoint commissioners of the tax for the year 1822, who shall perform all the duties, and be governed by the laws regulating commissioners of the tax in this state; and the clerk of the county court shall, in like manner, perform his duty in relation thereto.

Sec. 7. *Be it further enacted*, That Mason Williams, Edward Wells, William Prater, Holaway Power and Thomas Patrick, of Floyd county, be appointed commissioners to ascertain and fix on the most convenient and suitable place for the permanent seat of justice for the county of Pike; who shall meet, or a majority of them, at the house of Spencer Adkins, on the fourth Monday in March next; but if a majority shall fail to meet on that day, so soon thereafter as practicable; and after a majority shall have agreed upon a place, they shall report the same to the next county court; and it shall be the duty of the said county court, as soon as practicable thereafter, to cause the necessary public buildings to be erected, and in every other respect lay off and do that which may be necessary in the establishment of towns. The commissioners appointed under the provisions of this act, shall be entitled to the sum of two dollars for each day they may be necessarily engaged in the discharge of their duties, to be levied for their benefit at the first laying of the county levy for said county. And the courts for the county of Pike shall continue to be held at the house of Spencer Adkins, until the necessary public buildings are erected.

Sec. 8. *Be it further enacted*, That the collector of the county levy for Floyd county, shall, on or before the first day of January 1823, pay over to the county court of Pike county, their agent or attorney, all moneys by him collected, or, which he may have a right to collect as county levy for the year 1821, and collectable in the year 1822, from the citizens now included in Pike county, after receiving a credit for all delinquents allowed by the Floyd county court, a certificate of

executions, fines, &c. in said bounds, until first of March. County court to appoint commissioners of the tax. Duty of clerk of the county court.

Comm'rs appointed to fix seat of justice.

To make report to county court.

County court, to cause public buildings to be erected

Compensation to comm'rs & mode of payment.

Courts to be held at the house of Spencer Adkins, until the public buildings are erected. The collector of the county levy of Floyd to pay over to the county court of Pike their proportion of the same, levied in 1821, and collectable in 1822.

which shall be given by the clerk of said court, which shall be evidence in a settlement with the county court of Pike, their agent or attorney; and the said collector shall be allowed to retain in his own hands any moneys that may have been levied by the Floyd county court for the benefit of any person or persons in the said county of Pike, also the same commission for collecting the county levy as is now allowed by law.

Regulations as to voting and comparing polls.

Sec. 9. *Be it further enacted.* That the voters in the county of Pike, shall vote at the election precincts now established by law in said county; and the sheriff of said county shall meet the sheriff of Floyd county, in the town of Prestonsburg, and then and there compare the polls, at the time now prescribed by law.

Nine justices, a sheriff and coroner to be commissioned.

Sec. 10. *Be it further enacted.* That nine suitable persons shall be appointed and commissioned as justices of the peace for the said county of Pike—also a sheriff and coroner.

CHAP. CCXCVIII.

An ACT to amend "an act concerning a House of Public Worship in the Town of Frankfort."

Approved December 19, 1821.

Part of the repealed act repealed.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That so much of the said act as relates to the appointment of trustees, and the powers vested in them, be, and the same is hereby repealed.

The trustees to be annually elected by the pewholders & citizens of Frankfort.

Sec. 2. It shall be lawful for the pewholders in the said house of public worship, and the qualified voters residing in the town of Frankfort, on the first Monday in March in every year, to elect seven trustees, residing in the town of Frankfort, who shall be styled "The Trustees of the House of Public Worship in the Town of Frankfort;" and in case of the death, resignation, removal out of the town, or refusal to act, of any of the trustees, a majority of those remaining in office to fill the vacancy until the end of the next election.

Intermediate vacancies to be filled by the trustees.

Sec. 3. Ten days' previous notice shall be given of the stated elections, which shall be conducted, the first time, by John Brown and Jephthah Dudley, who shall give to the persons elected a certificate of their election, which shall be entered on the record book; and all succeeding elections shall be conducted by the chairman of the board of trustees. And in case of a failure to hold an election on the first Monday in March in any year, the trustees in office shall appoint another day for the election, and have notice given as aforesaid.

10 days' notice of elections to be given.

Regulations as to the mode of conducting the first & all succeeding elections.

Sec. 4. The trustees so elected, or a majority of them, shall have power to make such rules and regulations for the preservation and government of the said house of worship, as they may think proper and expedient: *Provided, however,* that they shall not grant the exclusive right to any sect or denomination of Christians whatever, to perform divine service therein for a greater length of time than one Sabbath in each month.

Trustees may make rules and regulations.

Proviso.

Sec. 5. The trustees so elected shall have power to sell any of the pews therein which now remain unsold, and, upon application, to grant certificates of ownership to each person who has heretofore purchased and paid for a pew, or may hereafter do so. And the trustees shall keep a book, in which the names of the pewholders, and the certificates of ownership and transfers shall be registered, together with all other orders made by the said trustees; which shall be free for the inspection of the general assembly, and all other persons who may require the same.

Trustees may sell pews and grant certificates of ownership.

To keep a book of transfers and proceedings of the trustees.

CHAP. CCXCIX.

An ACT for the better regulation of the Towns of Carlisle and Springfield.

Approved December 19, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall and may be lawful for the trustees of the town of Carlisle, in the county of Nicholas, to lay a tax

The trustees of Carlisle may levy an annual tax on property therein.

on real and personal property in said town, not exceeding twenty five cents for every hundred dollars of the assessed value of such property, per annum.

May appoint
an assessor.

His duty.

Persons ag-
grieved by the
assessment,
may appeal to
the trustees.

Trustees to fix
the tax to be
paid.

Trustees may
appoint a col-
lector.

To give bond
and security.

Condition
thereof.

His duty.

May be pro-
ceeded against
by motion, for
any delinquen-
cy, upon ten
days' notice.

Sec. 2. *Be it further enacted*, That the trustees aforesaid, or a majority of them, shall, in the month of March in each year, appoint a proper person to assess the value of the real and personal property therein. Such assessor so appointed, on taking an oath, before a justice of the peace, well and faithfully to perform the duties required of him by this act, without favor or partiality, shall immediately proceed to take such lists and make such assessment as before directed, and make return thereof to the said trustees on or before the first day of May in each year; and the said trustees shall keep said list for the inspection of those listed thereon, and any person who thinks himself aggrieved by the assessment, may make a complaint to the respective boards of trustees, who shall make any necessary alteration in said assessment or list that to them may seem expedient and just. And the said trustees, or a majority of them, shall fix the sum to be paid on each hundred dollars so assessed on the real and personal property, as is herein before directed.

Sec. 3. *Be it further enacted*; That the trustees aforesaid shall appoint a collector for the collection of all taxes laid by virtue of this act, and to stipulate the compensation to be allowed him for the same. Such collector, having given bond, with one or more sufficient security or securities, payable to the said trustees and their successors, conditioned for his faithful collection and accounting for all taxes imposed by this act, and within the time prescribed by the said trustees, shall immediately proceed to collect the tax, agreeably to the lists which shall [be] duly furnished him by the said trustees for that purpose; and if the said collector shall be found delinquent, and not have accounted for and paid the amount of his collection in any year, to the said trustees or their order, (the delinquents being first deducted,) such collector shall be liable to pay at the rate

of twenty per centum per annum on the money accounted for him, from the time it should have been paid, recoverable in the county court of Nicholas, by motion, together with the damages due, ten days' previous notice being given to the said collector and his securities; and the execution on the said judgment shall be endorsed by the clerk, that "no security is to be taken."

Sec. 4. *Be it further enacted*, That the trustees aforesaid shall have power to prescribe a time in which taxes shall be paid, and in case of failure, to add a per centage, not exceeding the rate of twenty per cent. on all delinquents; and the said trustees shall fix a time when the collector aforesaid shall proceed to collect the taxes herein imposed, by distress and sale of goods, chattels or slaves of the debtor, in the same manner as sheriffs are or may be authorised by law to distrain and sell for taxes due to this commonwealth. The collector for the time being may distrain and sell the goods, chattels and slaves found on any real estate for which taxes may be due and unpaid, belonging to any person claiming or holding the premises under the person from whom the tax may be due; but if such tax be paid by any tenant, he shall have a right to recover the same from his landlord or proprietor of such real estate; and if sufficient property be not found on the premises, within one year, to discharge the tax due on any lot or real estate, the collector aforesaid may proceed to sell so much thereof as will be sufficient to discharge the tax, interest and costs due thereon: *Provided*, the time and place of such sale shall be advertised at least four weeks, on the court-house door and the doors of two of the most public houses in the aforesaid town of Carlisle, previous to the day of sale.

Power given the trustees to regulate the time and manner in which the taxes shall be paid.

Powers of the collector in that particular.

May collect from tenants the taxes due by landlords, &c.

Proviso.

Sec. 5. *Be it further enacted*, That all real property sold by virtue of this act, shall be redeemable within two years from the day of sale, upon the payment of the tax, interest and cost due at the time of sale, and an interest of one hundred per centum per annum thereon, and also all taxes that may have become due after the sale

Real property sold for taxes may be redeemed.

Proviso.

thereof: *Provided always*, that all infants and *femes covert*, whose real estate may have been sold by virtue of this act, shall be allowed two years after their several disabilities are removed, to redeem the same, on payment of the tax, interest and costs due at the time of sale, and all the taxes that may be due and unpaid until such redemption.

Trustees may cause the foot-walks to be paved

The powers given them to enforce their orders for that purpose.

Sec. 6. *Be it further enacted*, That the trustees of said towns shall have power to require the owners of lots in said town to have the foot walks in front of their lots paved, not exceeding twelve feet in width, with sufficient curbing on the outside of the walks so paved; and on failure of the owner of any lot or lots to pave and curb the foot walks as directed by the trustees, within six months after notice shall have been given by advertisement on the court house door, and on the doors of two of the most public houses in the town of Carlisle, the order of a majority of all the trustees for such purpose, the trustees shall have power to cause the same to be paved and curbed, and to levy the amount of money expended in making such improvements, on the lot or lots of the person so failing or refusing to comply with this section, and to sell the lot or lots, or such part or parts thereof as will produce the amount expended by the trustees in said paving and finishing as aforesaid, unless the owner of said lot or lots should, previously to such sale, discharge the amount demanded: *Provided, however*, that the said trustees shall give sixty days' notice of the time and place of such sale or sales, by advertisement on the doors of three of the most public houses in said town: *And provided further*, that this section shall not be carried into effect by the said trustees, unless it is by the petition of a majority of all the resident lotholders in said town.

Proviso.

Upon the petition of 3-4 of the owners of lots on any one street, the trustees may direct

Sec. 7. *Be it further enacted*, That whensoever the owners of three fourths of the front ground on any street in said town, shall petition the trustees thereof to have the same paved, they shall have power to cause the pavement to be made, in manner hereafter directed, viz. The

said trustees shall give notice to the owners of all the lots fronting such street as [is] intended to be paved, thirty days previous to the time such paving is to commence; and each proprietor of the lot or part of lot or lots fronting said street, shall pave to the centre of said street. And on failure to pave as aforesaid, the trustees shall cause the same to be paved, at as reasonable a price as it can be done, and recover the value of such paving from the owner or owners of such lots or parts of lots, by action in any court having jurisdiction of such debt.

Sec. 8. *Be it further enacted*, That the commissioner or assessor directed by the second section of this act, shall value only such property as is now, or may hereafter be valued for the purpose of raising revenue in this commonwealth:

The assessor to value only such property as is subject to the revenue tax

Sec. 9. *Be it further enacted*, That the amount of money to be raised by the third section of this act, shall not exceed the sum of one hundred dollars in each year; and the said sum of one hundred dollars, so raised by virtue of this act, shall be applied to the levelling and keeping the streets and alleys in repair in said town.

Not more than \$100 to be collected in each year.

Sec. 10. *Be it further enacted*, That the out-lots in the town of Springfield, in Washington county, and the persons residing thereon, shall hereafter be subject to the rules and regulations made by the trustees of said town, and be subject to all and every description of taxes levied by the trustees of said town on the in-lots and citizens of said town.

The out-lots & persons residing thereon, subject to the payment of taxes, in Springfield.

CHAP. CCC.

An ACT for the benefit of Ambrose Camp.

Approved December 19, 1821.

WHEREAS Ambrose Camp did, in the year 1817, while acting as deputy sheriff of Jefferson county, receive one hundred and fifteen dollars in notes of the Kentucky Insurance Company, in payment of state revenue, while said notes were current, and afterwards, in due time, tendered them to the treasurer, by whom they were re-

fused, whereby the said Camp has lost the whole amount: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of one hundred and fifteen dollars shall be paid to the said Ambrose Camp, out of any money in the treasury not otherwise appropriated.

CHAP. CCCI.

An ACT to declare Cabin Creek a navigable stream.

Approved December 19, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act. Cabin creek be considered a navigable stream and public highway, from its mouth, in Mason county, up to the mouth of the first branch emptying into said creek above the drowned bottom.

CHAP. CCCII.

An ACT for the benefit of Mary Prewitt, administratrix of Anderson L. Prewitt, deceased.

Approved December 19, 1821.

Recital.

WHEREAS Mary Prewitt, widow of Anderson L. Prewitt, deceased, administered upon the estate of her deceased husband, at a county court held for Campbell county on the fourth Monday in March 1819, and shortly after, believing that she was incapable of discharging the duties of an administratrix, Isham Prewitt, the brother of her late husband, was, (with the consent and approbation of the said Mary Prewitt,) on the fourth Monday in June 1819, at a county court held in and for the said county, appointed an administrator of the said estate, she, the said Mary Prewitt, wishing to decline acting as administratrix of her deceased husband: Wherefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Mary Prewitt be, and she is hereby discharged from all and every obligation imposed upon her*

Discharged
from the ad-
ministration of
the estate of

by law, in consequence of her appointment as administratrix of her deceased husband.

Sec. 2. *Be it further enacted*, That all and every act of the county court of Campbell county, relating to the appointment of Isham Prewitt as administrator of the estate of the said Anderson L. Prewitt, deceased, be, and the same is hereby declared to be as good and valid as if the same had been done by a waiver of the said widow's right, previous to her appointment as administratrix: *Provided, however*, that nothing herein contained shall be so construed as to prevent any action from being maintained against her, for any act done as administratrix of her said husband.

her deceased husband.

The proceedings of the county court of Campbell, appointing an adm'r of said estate, legalized.

Provided.

CHAP. CCCIII.

An ACT for the divorce of sundry persons.

Approved December 19, 1821.

WHEREAS it is represented to the present general assembly, that Bradley Holder, husband of Esther Holder, abandoned her immediately after their marriage, has been gone about two years, and is living in adultery with another woman; that Stephen Stewart, husband of Margaret Stewart, has treated her in a cruel and abusive manner, and in September 1819 abandoned her, and is living in a state of adultery with another woman; that Sally Alford, wife of Fielding Alford, has become an abandoned prostitute; that William Stroud, husband of Sally Stroud, in March last, married another woman, and has left the state; that Daniel Jinnons, husband of Debe Jinnons, has abandoned her for nearly four years; that Yocum Rynearson has abandoned his wife Tine Rynearson, for about twelve years, has gone to the state of Ohio and married another woman; that Wiley J. Patrick has become idle and dissolute, made no provision for his family, has treated his wife Rosanna in a cruel and inhuman manner; that William Goard has abandoned his wife Lydia, more than eighteen months, and is living in adultery with another woman.

E. Holder,

M. Stewart,

F. Alford,

S. Stroud,

D. Jinnons,

T. Rynearson,

R. Patrick,

L. Goard,

J. Hornback, the state of Indiana ; that Nancy, the wife of John Hornback, has abandoned him for about three years, and has been guilty of adultery ; that **M. Hensley, &** Robert Hensley has abandoned his wife Matilda, for about six years, and has for his crimes been sentenced to serve three years in the penitentiary of Virginia ; and that John **M'Hatton** has abandoned his wife Nancy, for about fourteen years ; for which causes the injured parties have severally prayed to be divorced : Therefore,

Divorced. Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the marriages between the parties aforesaid, shall be, and the same are hereby totally dissolved.

And whereas it appears that Obadiah R. **Harrison,** of the state of Ohio, about the year 1818, married Charlotte Potter, of this state, and shortly after returned to the said state of Ohio and there married another woman, with whom **P. Grinning,** he continues to live ; and that John Grinning is now the second time convicted and sentenced to the penitentiary as a felon, and Peggy Grinning, **P. Parker, and** his wife, left destitute ; that Silas Parker married Polly Earls, of this state, and had a former wife then living in the state of Ohio, and has for near four years abandoned the said Polly ; and **W. Digby,** that William Digby had married Catherine Cook, and that she has left him and left the state for about eighteen years ; upon which the several petitioners pray to be divorced : Therefore,

Divorced. Sec. 2. The said marriages shall be, and the same are hereby totally dissolved.

CH. P. CCCIV.

An ACT concerning Jeffersontown, in Jefferson County.

Approved December 19, 1821.

Town lots sold for taxes may be redeemed. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That all lots hereafter sold for the non payment of town taxes in Jeffersontown, in the county of Jefferson, may be redeemed within two years next after such sale, on the owner's paying the amount of tax due and one hundred per cent. thereon.

CHAP. CCCV.

An ACT authorising the Trustees of the Union Academy to sell certain Lands.

Approved December 19, 1821.

SEC. 1. *BE it enacted by the General Assembly* May sell ⁸⁴⁵ *of the Commonwealth of Kentucky.* That it shall ^{acres.} and may be lawful for the trustees of the Union academy to sell and dispose of eight hundred and sixty-five acres of land, that was patented to the justices of the Union county court, for the use and benefit of said academy.

SEC. 2. *Be it further enacted.* That said trustees shall give notice, by advertising, on some court day, at the court-house door, and at two other of the most public places in the county, at least thirty days before said sale, and sell on such credit as they may think most expedient, taking bond and security of the purchaser, payable to said trustees. ^{To give notice of the time & place of sale.}

SEC. 3. *Be it further enacted.* That said trustees, in conjunction with the clerk of the county court of said county, are hereby authorised to convey by deed to the purchaser or purchasers, which shall vest the complete title in said purchaser or purchasers. ^{Conveyances to be made by the trustees & clerk of the county court.}

CHAP. CCCVI.

An ACT for the relief of the Sheriffs of Warren and Greenup Counties.

Approved December 19, 1821.

WHEREAS it is represented that the sheriff of Warren county has failed to obtain his proper credit for the delinquents and insolvents in the collection of militia fines in the 25th regiment of Kentucky militia in 1821: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky.* That it shall be lawful for the sheriff aforesaid to obtain his just and proper credit for delinquents and insolvents, before the military court of appeals in said county, at their next session, in the manner he might have done before the proper court of assessments, ^{Further time given the sheriff of Warren county to return his delinquent list of militia fines:}

had his application been made in due time before said court.

Recital.

And whereas it is represented that the sheriff of Greenup county has failed to obtain his credit for delinquents and insolvents in the collection of militia fines in the 70th regiment of Kentucky militia in 1820 and 1821: Therefore,

Further time given the sheriff of Greenup county for the same purpose.

Sec. 2 *Be it further enacted,* That it shall be lawful for the sheriff aforesaid to obtain his just and proper credit for delinquents and insolvents, before the military court of appeals in said county, at their next session, in the manner he might have done before the proper court of assessments, had his application been made in due time before said court.

CHAP. CCCVII.

An ACT to amend "an act for surveying the Military Claims west of the Tennessee River," approved December 26th, 1820.

Approved December 19, 1821.

Fifth section of the act repealed, & the surveys made conformably to the other provisions of the act legalized.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the fifth section of the said recited act, shall be, and the same is hereby repealed; and that the surveys made in conformity to the provisions of the residue of said act, shall be as good and valid as if the said fifth section had not been repealed, but had been complied with: *Provided, however,* that nothing herein contained shall be construed to repeal, or in any manner to affect the full operation of the second and fourth sections of the act entitled "an act for surveying the military claims west of the Tennessee river," approved the 26th of December 1820.

Proviso.

One year allowed the surveyors of the military claims to perform the duties required of them.

Sec. 2. *Be it further enacted,* That the further time of one year, from and after the first day of December next, be allowed the surveyor of the said military claims to perform the duties required of him by the first section of the said recited act: *Provided, however,* that no patent shall issue on any of the claims herein mentioned, until after the first day of January 1823.

CHAP. CCCVIII.

An ACT providing a mode for this State receiving the net profits at the Commonwealth's Bank.

Approved December 19, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be duty of the president of the Bank of the Commonwealth of Kentucky, during the month of July in each year, to report to the auditor of public accounts an accurate statement of all the interest that may have accrued upon loans and discounts up to and including the first day of the said month of July, after deducting therefrom the expences of said institution; and that in said report it shall be his duty to designate any amount or proportion of said profits which may have been set apart by the legislature for the support of any permanent system of expenditure; and the auditor shall forthwith enter the same in his office, and certify the amount to the treasurer, whose duty it shall be to attend at the bank and receive the dividends thus due, and pass his receipt for the same; which receipt shall be delivered over to the auditor, who shall for the same pass his quietus to the bank.

The president of the bank to report the amount annually to the auditor.

The auditor to certify the same to the treasurer, who is to attend at the bank and receive it.

Sec. 2. *Be it further enacted,* That it shall be the duty of the treasurer of this commonwealth, whenever the sums received by him from any and all of the sources mentioned in the fifth section of the act incorporating the Bank of the Commonwealth of Kentucky, shall amount to one thousand dollars or upwards, to pay over the same to the cashier of the Bank of the Commonwealth, as stock, take his receipt therefor, and file the same with the auditor, and obtain his receipt for the same.

The treasurer directed from time to time to pay over certain moneys to the cashier of the bank.

CHAP. CCCIX.

An ACT authorising the County Courts to erect Houses for the accommodation of their Poor.

Approved December 19, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the sev. county courts

The several county courts

authorised to purchase lands & erect buildings for the accommodation of their poor.

eral county courts of this commonwealth shall have full power and authority, whenever they shall think it expedient, a majority of all the justices of any such county being present and concurring therein, to purchase and receive a conveyance or conveyances for, and hold to them and their successors any quantity of land within their respective counties, not exceeding two hundred acres, for the purpose of erecting a poor-house thereon, and for the use and accommodation of the poor of their respective counties.

And to levy on their counties for the payment thereof.

Sec. 2. *Be it further enacted,* That it shall be lawful for any county court of this commonwealth, a majority of all the justices composing such court being present as aforesaid, to contract or cause to be contracted for and erected, a convenient and proper poor house, on any such land so purchased, and to have done any necessary labor, work or repairs on such premises; and to levy upon their respective counties the sum or sums necessary for payment of any such purchase money, and for erecting any such poor house, and also for the necessary labor and repairs on such premises.

May appoint a person to take charge of the poor, and allow him a compensation

Sec. 3. *Be it further enacted,* That whenever any such land shall be purchased, and poor-house erected thereon, it shall be lawful for any county court to appoint a fit person or persons to superintend and take charge of the poor of any such county, who shall be kept at the same; and to allow to any such person or persons appointed to superintend the same, a reasonable compensation for their services. And such person or persons shall be, and are hereby vested with power and authority to cause any poor person or persons kept at any such poor house, who shall be able to do any useful labor, to perform the same; under any reasonable and proper coercion.

And to cause them to be put to useful labor

County courts to regulate & govern the same, &c.

Sec. 4. *Be it further enacted,* That any such county court, when a poor house shall be erected as aforesaid, shall be, and the same is hereby authorised to make all necessary and proper orders for the support and government of the poor who may be kept at such poor-house; and for supplying them with the necessary raw materials for

labor; for disposing of the products of such labor, to be applied toward the support of such poor.

Sec. 5. *Be it further enacted*, That it shall be the duty of any county court where such poor house shall be erected as aforesaid, to appoint some fit person to receive from the sheriff or other officer who may have collected the same, the money levied upon such county for the support of the poor, thereof, and to apply the same for the purpose of maintaining and supporting the poor in any such poor house, and to allow him a reasonable compensation therefor. And such court shall require of such person so appointed, bond with a reasonable penalty and sufficient security, to be taken to such justices and their successors, for a faithful appropriation and just account of all such sums so to be by him received; which bond shall be filed in the clerk's office of such court, and such proceedings may be had thereon, in case of failure, as are authorised by law on sheriffs' bonds.

May appoint a person to receive and apply the money levied on their county for the support of the poor.

To allow him a compensation & require him to give bond & security.

Sec. 6. *Be it further enacted*, That any county court may at any time, for good cause, remove any superintendant or superintendants of any poor house, and appoint others in their stead.

May remove their superintendants & appoint others.

Sec. 7. *Be it further enacted*, That it shall be the duty of every sheriff or other officer who may have collected and received the money, or any part thereof, levied in any county for the support of its poor, at any time after receipt thereof, to pay over the same, or such parts thereof, as shall be in his hands, and demanded by any person authorised to receive the same.

Collectors to pay over the money collected for the support of the poor to the persons entitled to receive it.

CHAP. CCCX.

An ACT authorising the sale of the Real Estate and Slaves of certain persons.

Approved December 19. 1821.

WHEREAS it is represented to the present general assembly, that in the following cases it is just and expedient, as regards the rights of infant heirs, either for the purpose of avoiding the costs

Recited.

of suits which may be instituted against them, or in which the personal estate is entirely or nearly exhausted, or the property indivisible in its nature; and in which it is represented that the real estate and slaves may be sold, or so disposed of by the friends and guardians of the infants as to prove both satisfactory and beneficial to them: Therefore,

Commission-
ers appointed
to sell certain
slaves belong-
ing to the heirs
of John & Lu-
cy Keizer, de-
ceased.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be lawful for John M. M'Calla, guardian of John, Lucy and Amanda Keizer, infant heirs of John and Lucy Keizer, deceased; or it shall be lawful for such other guardian or guardians as shall be regularly appointed for said infants, to enter into, confirm or make such agreements or sales of the slave, or her descendants, given in trust by the said Lucy, previous to her intermarriage with the said John, for the benefit of her children, as shall seem most satisfactory among the friends and relatives of the infants, and in the opinion of the guardians most to their interest and benefit.

Of Isabella Ra-
zor, deceased

Sec. 2. *Be it further enacted*, That it shall be lawful for the Mercer circuit court to direct an issue of fact, whether John P. Razor, formerly of the town of Danville, is dead or alive; and if the jury shall find that the said Razor is dead, it shall be sufficient authority to the administrator with the will annexed, of Isabella Razor, deceased, to pay to the legatees in said will, as directed by said will in the event of the said John P. Razor's having departed this life.

Sec. 3. *Be it further enacted*, That the administrator aforesaid shall have full power and authority to sell a certain lot or parcel of ground in the town of Danville, of which the said Isabella died possessed, in one or more parcels, as he may deem expedient; and so much of the proceeds thereof as may be necessary, he shall apply to the discharge of the debts due from the said Isabella.

Of Edward
Morris, dec'd.

Sec. 4. *Be it further enacted*, That Thomas Haile and Samuel Morgan be, and they are appointed commissioners, with full power and au-

thority to sell the real estate, or so much thereof, of Edmund Morris. late of Simpson county, as they shall deem expedient, for the payment of his debts and the benefit of his heirs.

Sec. 5. *Be it further enacted*, That the persons appointed under the authority of this act, shall, before they proceed to perform the duties assigned, execute bonds in the county courts of their respective counties, with security, to be approved of by the court, in such penalty as the court shall require, for the faithful performance of the duties required, and to account for the moneys they may receive, as guardians or administrators would be bound to do. Comm'rs to give bond and security.

CHAP. CCCXI.

An ACT for the relief of Andrew Craig.

Approved December 19, 1821.

WHEREAS it is represented to the general assembly of the commonwealth of Kentucky, that on the 27th day of November 1804, colonel John Ballinger, Joseph Welch and John Logan, became the purchasers, at the register's sale, of nine thousand fifty and one quarter acres of third rate land, lying in the county of Lincoln, on Richland creek, patented to John Lewis, and sold as the property of Patton, Hackley and Greenhow; that the said John Logan became the owner of the whole tract, by an assignment on the back of the register's certificate of sale, except two hundred acres sold by colonel John Ballinger to Joseph Payne; after which, he, the said Logan, caused a survey to be made in his own right for one third, and as assignee of John Ballinger and Joseph Welch for two thirds. By virtue of said assignment and survey aforesaid, Logan sold a part of said land to Andrew Craig, David Craig, John England and Joseph Craig, and executed bonds to them severally for titles. It appearing that said Logan departed this life without complying with his bonds; and owing to the death of Ballinger and Welch, partners in the purchase, as well as the death of Joseph

Craig, one of the purchasers ; and it also appearing that the register's certificate of sale, on which the assignment was made, is lost, and the register refuses to make deeds to the several purchasers : Therefore,

The register directed to execute deeds for certain lands sold for the taxes, &c.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky.* That on the production of the several bonds aforesaid to the register, together with surveys executed thereon, within the limits of the purchase of nine thousand fifty and one quarter acres aforesaid, the register shall execute deeds to the holders or assignees of said bonds.

Proviso.

Sec. 2. *Be it further enacted,* That nothing in this act shall be so construed as to affect the legal or equitable right of the heirs of John Balingier or Joseph Welch ; nor shall the deed made in pursuance of this act to Joseph Payne, affect the claim or claims of the heirs of Joseph Welch or John Logan.

CHAP. CCCXII.

An ACT forming the Counties of Hickman, Graves, Calloway and M'Cracken, on the south-west of the Tennessee River.

Approved December 19, 1821.

Hickman county,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That all that part of the counties of Caldwell and Livingston, which lies on the south west side of the Tennessee river, is hereby formed into one county, to be called and known by the name of HICKMAN, in honor of Captain Paschal Hickman, who fell at the river Raisin.

Officers thereof.

Sec. 2. There shall be commissioned for said county, eleven justices of the peace, a sheriff and coroner ; and the said justices of the peace, after taking the necessary oaths of office, before some justice of the peace of Livingston county, shall proceed to hold a monthly county court, at the house of William Tipton, in the town of Columbus at the Iron Banks, to commence on the fourth Monday in March, and the same Mondays

Where first meeting to be held.

In each successive month, except those months in which the circuit courts are directed to be held; and that said justices, at their first court, shall proceed to appoint and qualify a clerk; and if no person in nomination gets a majority of all the justices of the county, then said justices shall appoint a clerk *pro tem.* until some one gets a majority of all the justices of the county.

Sec. 3. The said county is hereby added to the seventh judicial district, and the judge of said district shall hold a circuit court for said county, upon the fourth Mondays in April, July and October in each year, and continue to sit six judicial days, if the business require it—the court to be held at such place as the county court may provide, until a court house can be erected on the public square in the town of Columbus; and said circuit court shall appoint and qualify a clerk for said court.

County added to 7th Judicial district.

Circuit Courts when & where to be held.

Sec. 4. The county court, while it remains of its present size, shall provide cheap and temporary buildings only, the expence of which shall be levied on the tythes within the bounds of the said county of Hickman, as prescribed by the eighth section of this act.

Public build. ings to be cheap.

Sec. 5. The election precincts hereafter established within the bounds of said territory, shall remain as at present, until the next apportionment of representation for this state, except that the elections directed to be held at the house of Samuel Wilson, on Mayfield's creek, shall hereafter be held at the house of James Russell, on the head waters of Massac creek; and the county court of Hickman shall appoint judges and clerks to attend said precincts, and the sheriff of said county shall, by himself or deputies, attend said elections, and meet the sheriffs of Livingston and Caldwell at the times and places appointed by the act establishing said precincts, to compare the polls and give certificates of elections.

Election precincts to remain

Place of holding one, changed.

Officers of election how to be appointed.

Sec. 6. It shall be the duty of the sheriff of Hickman county to collect the taxes and county levy arising from the property and titheables listed for taxation in the year 1821, within the bounds of said county; and all levies collected

Sheriff of Hickman collect tax and levies of 1821.

within the same, shall be paid to the county court of Hickman, to be appropriated to the use and benefit of said county. And it shall be the duty of the clerks of Caldwell and Livingston counties to deliver to the sheriff of Hickman county a copy of the commissioners' books of the property and levies listed within the bounds of said county; and the sheriffs of Livingston and Caldwell counties shall have a credit with the auditor for the same.

Com'rs. of tax to be appointed Sec. 7. The county court of said county shall appoint commissioners to take in all lists of taxable property in said county, agreeably to the laws now in force; and shall possess all the powers, jurisdiction, rights and privileges which the county courts of this commonwealth possess.

Hickman hereafter to be divided into four counties. Sec. 8. The aforesaid county of Hickman shall hereafter be divided into four counties, as soon as the population thereof will justify; and for the purpose of enhancing the value of the vacant and unappropriated lands, it is deemed expedient at this time to mark out the boundaries of said counties, and reserve certain sections or portions of land whereon to fix the seats of justice, viz.

Boundary of Hickman hereafter:

The county of Hickman to be bounded as follows, viz. Beginning in the middle of the Mississippi, opposite the mouth of Mayfield's creek; thence up the middle of said creek, with the meanders thereof, until it intersects the first range line west of the meridian; thence south with said range line, until it intersects the Tennessee state line; thence west with said state line to its termination on the Mississippi; thence up the Mississippi with the line as established by treaty as the boundary of the original territory of the United States, including all the islands in said river which legally belong to Kentucky, to the beginning; the seat of justice of which shall be fixed in the town of Columbus. The second county, to be called and known by the name of GRAVES, in honor of Major Benjamin Graves, who fell in the battle at the river Raisin, to be bounded as follows, viz. Beginning on the state line, at the south-east corner of the county of Hickman; thence east with the state line to the intersection

Seat of Justice where to be fixed.

Boundary of Graves county.

of [the] second range line east of the meridian line, as laid down on Henderson's map; thence north with said range line to the north east corner of township five north, range two east of said meridian line; thence west with a line of said township to the north west corner of township five north, range one west of the meridian line; thence south with said range line to the beginning. The third county, to be called and known by the name of **CALLOWAY**, in honor of Colonel Richard Calloway, who fell at Boonsborough, in the spring 1780, to be bounded as follows, viz. Beginning on the state line, at the south east corner of the county of Graves; thence north with the range line two east of the meridian, to its intersection with the Tennessee river; thence up said river with its meanders to the Tennessee state line; thence west with said state line to the beginning. The fourth county, to be called and known by the name of **M'CRACKIN**, in honor of Captain Virgil M'Crackin, who fell in the battle at the river Raisin, to be bounded as follows, viz. Beginning in the middle of the Mississippi river, opposite the mouth of Mayfield's creek; thence up the Mississippi river to the mouth of the Ohio river; thence up the north west side of said river to the mouth of the Tennessee river; thence up the Tennessee river to the termination of range line two east of the meridian, on said river; thence south with said range line to the south east corner of township six north, range two east of the meridian; thence west with the north boundary of the county of Graves, to the north west corner thereof; thence with the line of range one west of the meridian line, to Mayfield's creek; thence down said creek, with its meanders, to the beginning.

Boundary of:
Calloway.

Boundary of:
M'Crackin.

Sec. 9. That Constant A. Wilson, William Rice, Reuben Ewing, George H. Briscoe and James Mason, or any three of them, be, and they are hereby appointed commissioners, for the purpose of fixing upon some eligible place for the several seats of justice for the counties of Graves, Calloway and M'Crackin, who shall meet at the house of William Owens, on the waters of the

Com'rs. to fix
seats of jus-
tice.

When and
where to meet.

Duties prescribed.

middle fork of Clark's river, on the third Monday of June next, or as soon thereafter as shall be convenient, and shall thence proceed to select any quantity of land, not less than one hundred acres or more than one hundred and sixty acres, in the aforesaid counties, whereon to fix the permanent seats of justice for said counties, when organized; and the said commissioners, in making their selections, shall be confined to the most eligible and convenient place in the following townships, viz. For the county of Graves, to township three, range one east of the meridian; for the county of Calloway, to township three north, range four east of the meridian; for the county of Blount, to townships six and seven north, range two west of the meridian.

To lay off towns.

Sec. 10. So soon as said commissioners shall have fixed upon sites for the seats of justice for said counties, they shall proceed to lay off a town at each respective place, by running and marking out (and placing corners of stone, stakes or trees) into a convenient number of lots, streets, alleys and avenues; and it shall be their duty to make out a plat of said towns, in neat form, representing the true position of each lot, street, avenue and alley, together with the number of the lots and the names of the streets, avenues or alleys; and shall also make out three copies of said plats, one of each to be recorded in the clerk's office of the county court of Hickman, and one copy of each to be returned and filed in the register's office, and the remaining copies of said plats to be returned by said commissioners to the next general assembly, for their inspection, so as to enable them to make a regular sale of said lots, when it shall be deemed expedient.

Copies to be made out and recorded.

Compensation of commissioners.

Sec. 11. Said commissioners shall receive two dollars per day for the time they may be necessarily engaged in attending to the duties required by this act, to be paid out of the public treasury, so soon as the plats of said towns shall be returned to the register's office, and the governor is satisfied that the same have been faithfully executed.

Sec. 12. The circuit and county courts, and Justices of the peace of Livingston and Caldwell counties, shall have jurisdiction over all matters prior to the commencement of this act; and it shall be lawful for all sheriffs, collectors and constables in said counties of Livingston and Caldwell, to collect all fines and moneys, and to execute all writs, executions and other process, as the law directs, which are put into their hands previous to the commencement of this act, and shall account for and return the same as if this act had not passed.

Courts of old counties to have jurisdiction of causes heretofore commenced.

CHAP. CCCXIII.

An ACT to regulate sales of Real Estate by the Collector of the Town Tax of Burdstown.

Approved December 19, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That hereafter, before the collector of the said town tax shall proceed to sell any real estate for the taxes due thereon, he shall first advertise the time and place of such sale, at least twenty days previous thereto, in a public newspaper printed in said town, and if no paper be there printed, then in a newspaper printed in a town nearest thereto.

Collector to advertise sales for town tax.

Sec. 2. If the said taxes shall not be paid on or before the day of sale, together with the costs of such advertisement and collector's fee for levying, such collector shall and may proceed to sell so much as shall satisfy the taxes due thereon, and the costs and charges herein mentioned, and shall execute to the purchaser a certificate evidencing his purchase, stating therein the day of sale and the amount paid by such purchaser; and the owner or owners may, at any time within two years, redeem the same, by paying to such purchaser, or to the trustees of said town, for the benefit of such purchaser, his executors, administrators or assigns, the amount paid by the purchaser, with an advance thereon at the rate of one hundred per centum per annum.

When taxes not paid regulations concerning and collector's duty.

Respecting
owners.

Sec. 3. If the owner or owners shall fail or refuse to pay the purchase money, with the advance aforesaid, within the time limited in the second section of this act, the said collector who sold the same, or the collector for the time being, shall and may, upon the production of the certificate aforesaid, convey to the purchaser, his heirs or assigns, the said real estate so sold as aforesaid.

Commence-
ment.

Sec. 4. This act shall commence and be in force from and after the first day of January next.

CHAP. CCCXIV.

An ACT to extend the Prison Bounds.

Approved December 19, 1821.

Preamble.

WHEREAS it is deemed by the general assembly, that the present law for the relief of insolvent debtors is not only partial, but is unjust, inasmuch as it only affords relief to those living within the limits of the county towns: For remedy whereof,

Extended to
the counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the act entitled "an act for the relief of insolvent debtors," approved February 14, 1820, as confines the prison bounds to the limits of each county town in this commonwealth, shall be, and the same is hereby repealed; and hereafter the prison bounds in each county shall be deemed and considered to extend to the limits of the county.

CHAP. CCCXV.

An ACT for the benefit of Peter Watts and John Curd's heirs.

Approved December 19, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for Peter Watts to return a plat and certificate of survey for five hundred acres of land, made by the surveyor of Mercer county,

on the 25th day of September 1800, in the name of John Curd, to the register's office, who shall issue a patent thereon as in other cases. And the said Peter Watts is hereby authorised to file his bill in chancery, in the Mercer circuit court, and if it shall appear to said court that the said Watts is entitled to the legal conveyance for said tract of land from said Curd's heirs, a decree shall be entered up accordingly as in other chancery causes: *Provided*, that nothing herein contained shall be so construed as to invalidate any other grant or survey made in pursuance of the laws of Virginia or of this state, prior to the first day of January 1815.

CHAP. CCCXVI.

An ACT for the benefit of the widow and heirs of Martin Hawkins and Henry Clifton, deceased.

Approved December 19, 1821.

WHEREAS it is represented, that many long and vexatious law suits are now pending and likely to arise between the widow and heirs of Martin Hawkins, and the heirs of Christiana M^c-Nair, deceased, one of whom, Lucy L. Hawkins, is an infant; and whereas it appears that the parties are anxious to bring the same to an amicable adjustment: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Charles Carr and Waller Bullock, in conjunction with one other fit person hereafter to be appointed by the county court of Fayette, on the part of the said infant, be, and they are hereby appointed commissioners, with full and complete power and authority to settle and adjust all manner of controversy between the parties aforesaid, relative to any estate, real, personal or mixed, either in possession, expectancy, remainder or reversion, derived or claimed by, through or under their or either of their said ancestors, all the parties concerned having first given their assent thereto in writing.

Recital.

Commissioners appointed to arbitrate & settle the controversies between the heirs of M. Hawkins and Christiana M^c-Nair, decd.

Commissioners to give the parties notice.

Sec. 2. *Be it further enacted*, That the said commissioners, before they proceed under the provisions of this act, shall give at least thirty days' previous notice of the time and place which they may fix upon for the purposes aforesaid.

Their award to be conclusive.

Sec. 3. *Be it further enacted*, That the award of the said commissioners, when made in conformity with the provisions of this act, shall be, and the same is hereby made binding and conclusive on all the parties; and the said commissioners, in conjunction with the widow and such of the said heirs as are of full age, shall and may execute any such deeds of release, partition or other such instruments of writing, as may be found necessary to convey and secure to each of the parties concerned such estate as they may be respectively entitled to.

To execute deeds of release, partition, &c.

Their proceedings to be recorded in Fayette county court.

Sec. 4. *Be it further enacted*, That all the actings and doings hereafter to be had under the foregoing provisions of this act, shall be duly recorded in the clerk's office of the county court of Fayette.

Recital.

And whereas it is further represented, that Henry Clifton, late of the county of Gallatin, died intestate, and that his personal estate is totally inadequate to the payment of his debts: Therefore,

Commissioners appointed to sell and convey the real estate of Henry Clifton, decd. to be applied to the payment of his debts.

Sec. 5. *Be it enacted*, That the widow and administratrix of the said decedant, in conjunction with Thomas L. Butler, his administrator, are hereby appointed commissioners, with full power and authority to sell, upon a credit of one and two years, at public auction, to the highest bidder, so much of the real estate of the said decedant as may be found essential to the payment of his debts, having first given at least thirty days' previous notice in some authorised newspaper, of the time and place of such sale; and that the proceeds arising therefrom shall be considered assets in the hands of the said administrators.

To give bond and security.

Sec. 6. *Be it further enacted*, That the said commissioners shall, before they proceed under the provisions of this act, execute a bond to the heirs of said decedant, with such security, and under such penalty as the county court of Gal-

lath may direct, conditioned to pay to said heirs any balance of moneys that may remain in their hands, after the debts of the said decedant may have been discharged.

Sec. 7. *Be it farther enacted*, That the joint deed of the said commissioners shall vest all the title of the said decedant, both legal and equitable, in the purchaser of any lands sold under the provisions of this act.

CHAP. CCCXVII.

An ACT for the relief of Elizabeth Carstarphen and Abigail Birdwell.

Approved December 20, 1821.

WHEREAS it is represented to the present Recd. general assembly, by Elizabeth Carstarphen, that her late husband, Robert E. Carstarphen, abandoned her without any just cause, and obtained a divorce from the legislature, and hath prayed to be relieved from the pains and penalties prescribed by the law regulating divorces, as prohibits the offending party from contracting matrimony; and that her property and maiden name be restored to her: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the said Elizabeth Carstarphen be, and she is hereby relieved from the pains and penalties of the general law concerning divorces, as prohibits the party against whom a divorce is granted from contracting matrimony afterwards. E. Carstarphen permitted to contract matrimony.

Sec. 2. The said Elizabeth is hereby restored to her maiden name, and may sue for and recover all the property which belonged to her at the time of her marriage aforesaid, and may have come to the possession of said Robert, any law to the contrary notwithstanding. Her maiden name restored &c.

And whereas it is represented to this general assembly, that George Birdwell has abandoned Further recd. al. his wife, Abigail Birdwell, for several years past, and has ever since, and is now living in adultery with another woman; and the said Abigail being so poor and destitute as renders

her unable to prosecute a suit to obtain a divorce; and has applied to this legislature: For remedy whereof,

A. Birdwell divorced from her husband.

Sec. 3. *Be it further enacted*, That the bonds and obligations of matrimony, solemnized and existing between said George and Abigail, be, and the same are hereby dissolved, and the said Abigail for ever discharged therefrom.

CHAP. CCCXVIII.

An ACT for the relief of Samuel Howard and Nancy Fulcher.

Approved December 20, 1821.

WHEREAS it is represented to the present general assembly, that Nancy, the wife of Samuel Howard, has been guilty of immoral conduct, so much so that he could not live with her, and she has married another man; and that William T. Fulcher has abandoned his wife Nancy, in October 1819, and is living in adultery with another woman; for which causes the injured parties have severally prayed to be divorced; Therefore,

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriages between the parties aforesaid, shall be, and the same are hereby totally dissolved.

CHAP. CCCXIX.

An ACT for the benefit of Joseph Crawford and Robert Claghorn.

Approved December 20, 1821.

Register to issue a land warrant for 100 acres, to Joseph Crawford.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That the register of the land office be, and he is hereby authorised to issue a land warrant to Joseph Crawford, a poor and indigent man in Estill county, of one hundred acres, without the treasurer's receipt for the amount paid; and the register is further authorised, on the return of the warrant and

survey, to register the same without fee, and to issue a warrant as in other cases.

Sec. 2. *Be it further enacted*, That the register of the land office do issue to Robert Claghorn, of Harlan county, a land warrant for one hundred acres, without the state price being paid therefor; which warrant shall be surveyed including the land on which he now lives, at the mouth of Cannon creek; and on returning a plat and certificate of survey executed thereon, a grant shall issue as in other cases.

Also to Robert Claghorn, for 100 acres.

CHAP. CCCXX.

An ACT for the divorce of Polly Chambers.

Approved December 21, 1821.

WHEREAS it is represented to the present general assembly, that the treatment of William Chambers, her husband, to her, is so barbarous, cruel and inhuman, as actually to endanger her life; and whereas it is also represented, that the said William Chambers has threatened to run off some negroes belonging to the children of said Polly which she had by a former husband, in which the said Polly has a life estate—every other species of property which she had at the time of her marriage with said Chambers having been by him squandered away: Wherefore,

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage contract between the said Polly and said William, be, and the same is hereby dissolved, and the said Polly Chambers be, and she is hereby restored to all the privileges and immunities of a *feme sole*.

CHAP. CCCXXI.

An ACT appointing Commissioners to examine Rockcastle River.

Approved December 21, 1821.

WHEREAS it is represented to this present general assembly, that Rockcastle river is capa-

Rockal.

ble of being made a navigable stream, from its junction with Cumberland river up to where the state road leading from the Crab Orchard to Cumberland mountain crosses the same; and whereas it is further represented, that if said river was declared navigable, and some small improvements made thereon, it would be of great public utility; and for the purpose of ascertaining the practicability of rendering said stream navigable, and the probable expense that would be incurred,

Comm'rs appointed to examine said river, and to report to next legislature.

Allowance to comm'rs to be paid at the treasury.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That James Kincaid, sen. John B. Dysart and Uriah Gresham, or any two of them, be, and they are hereby appointed commissioners, to examine said river and report thereon the situation of said river to the next legislature, and the probable expense which would be requisite to make said river navigable: and that the said commissioners shall be allowed two dollars per day for their services in making the examination as aforesaid, and that the auditor be directed to issue his warrant for the same, upon the production of a certificate from the county court of Rockcastle, that the commissioners are entitled to receive for the services rendered agreeable to the provisions of this act.

CHAP. CCCXXII.

An ACT for the benefit of the heirs of James Watkins and others.

Approved December 21, 1821.

Recital.

WHEREAS the heirs of James Watkins, deceased, have petitioned this legislature to authorise the sale of about two hundred and thirty acres of land in Washington county, representing that some of the heirs are under age: Therefore,

Comm'rs appointed to sell and convey certain land of the decedent.

Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Claiborn Rice be, and he is hereby appointed commissioner, to sell, and with the adult heirs of James Watkins, convey the said two hundred and thirty acres, and the proceeds arising from said

sale to collect and apportion among the heirs of the said James Watkins, paying over to the guardian of the minors, their proportion.

Sec. 2. *Be it further enacted,* That before the said commissioner shall proceed to sell or convey the said land, he shall enter into bond with good security in the county-court of Muhlenburg, payable to the commonwealth, conditioned to do and faithfully perform all acts by him enjoined by this act, which bond shall be filed in the office of said court, and may be put in suit by any person aggrieved. The conveyance of the estate by the said commissioner shall vest the title as absolute in the purchaser as though all the heirs were of full age and joined in the conveyance.

To give bond
and security.

May be sued
on, &c.

Sec. 3. *Be it further enacted,* That Daniel Crump of Washington county, and John Dewitt, be, & they are hereby appointed commissioners to sell and convey a tract of land lying in Woodford county, containing about sixty acres, belonging to the heirs of Elisha Dewitt deceased, upon such credit as they may think best. and shall take bond and security from the purchaser or purchasers for the payment of the purchase money.

Comm'rs ap-
pointed to sell
& convey cer-
tain lands of
Elisha Dewitt,
deceased.

Sec. 4. *Be it further enacted,* That the said commissioners before they enter upon the duties assigned them, shall enter into bond with one or more good & sufficient securities, conditioned for the faithful discharge of the duties assigned them, and for the payment of the proceeds to those entitled to the same and in such portions as they are entitled.

To give bond
and security.

Sec. 5. *Be it further enacted,* That Andrew H. Wright, John G. Martin, Betsey Irvine, and James M. Cogswell, be, and they are hereby appointed commissioners in conjunction with Thomas Jones, in order to carry into effect the act entitled "an act for the benefit of Betsey Irvine and the heirs of Job Carter deceased," approved February 6th 1816, so far as relates to the fifth section of said act, and they shall, before they enter upon the duties imposed by said recited act, enter into bond as directed by said recited act and in all things be governed by said recited act, and subject to all its provisions.

Comm'rs ap-
pointed to car-
ry into effect
the 5th section
of an act for
the benefit of
Betsey Irvine
and the heirs
of Job Carter.

Sec. 6. *Be it further enacted*, That any two of said commissioners are hereby empowered to carry into effect the provisions of said recited act agreeable to the true intent and meaning thereof.

CHAP. CCCXXIII.

An ACT to amend the several acts taxing Billiard Tables and for other purposes.

Approved December 21, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That there shall hereafter be paid annually, a tax of five hundred dollars, upon each and every billiard table kept and used within this commonwealth, under the rules and regulations prescribed by this act.

Billiard tables to pay an annual tax of 500 dollars

SEC. 2. *Be it further enacted*, That it shall not be lawful for any person to set up, keep or use any billiard table in this commonwealth, until he, she or they shall have first paid the tax of five hundred dollars as aforesaid to the clerk of the county court where the said table is proposed to be set up, kept or used; upon the payment of which sum the clerk shall give to the party paying the same, a certificate in writing, specifying the payment, for what paid, describing therein the owner and keeper of said table and where situate; which tax shall be paid into the public treasury and accounted for as clerks and sheriffs are required to do for other public revenue.

The tax to be paid before the table is set up to be used

Mode of obtaining license to keep a billiard table.

SEC. 3. *Be it further enacted*, That the clerk shall keep a record of the time of granting such certificate, in a book to be provided and kept by him for that purpose; and may demand and receive of each applicant the sum of one dollar for each certificate, and shall furnish the grand jury with a list of the names of such persons as may have paid the tax aforesaid and obtained such certificate.

County court clerks to keep a record of the license, &c. His fee. To furnish the grand jury with the names of the persons paying the tax.

SEC. 4. *Be it further enacted*, That if any person or persons shall set up, use or keep any billiard table before he shall have obtained the cer-

Penalty for setting up, us-

certificate aforesaid from the clerk and paid the tax aforesaid, or shall continue to keep and use any such billiard table after the expiration of the term expressed in such license and certificate shall have expired, he, she or they, being thereof convicted, shall forfeit such billiard table and pay to the commonwealth the sum of one hundred dollars for each and every day the said billiard table shall have been kept and used without such license, to be recovered by indictment or presentment by a grand jury as other fines and penalties, and to be applied in the same way, and to which indictment or presentment no prosecutor shall be necessary.

ing or keeping such table without license, or renewing the same.

How recovered, &c.

Sec. 5. *Be it further enacted.* That it shall be the duty of every justice of the peace in this commonwealth, upon his own view or knowledge, or information upon oath, that any billiard table is used & kept contrary to the provisions of this act, to issue his warrant; directed to the sheriff or a constable of his county, against the owner and keeper, or either of them, of such billiard table, commanding the sheriff or constable to seize and take possession of the said table, and the same to keep until disposed of according to the provisions of this act; and also to summon the owner and keeper, or either of them, forthwith to appear before him or some other justice of the peace, whereupon the justice before whom the warrant shall have been returned executed upon the defendant or defendants, shall proceed to hear and determine the probable guilt of such defendant or defendants, and if the justice shall, from the evidence to him adduced, believe there are probable grounds of the guilt of such defendant, he shall direct the said officer to keep the said billiard table, and recognize the defendant or defendants in a reasonable penalty, not exceeding two hundred dollars, to appear on the first day of the next circuit court to be holden for the county in which the offence may have been committed, and on refusal to give such recognizance without security, the said justice shall commit him to the jail of the county to remain until discharged by due course of law; and it shall be

Duty of justices of peace in suppressing such tables.

Mode of proceeding against the violators of this act.

the duty of the commonwealth's attorney to proceed against such defendant or defendants as required by this act.

Proceedings
before the cir-
cuit courts

Sec. 6. *Be it further enacted*, That if such defendant or defendants will not appear before such justice after being summoned as aforesaid, the said justice shall return the warrant to the clerk of the circuit court, and upon the finding of an indictment or presentment by the grand jury, process shall issue thereon to compel an appearance, as in other cases of misdemeanors.

Billiard table
may be sold by
order of court,
upon conviction
of the of-
fenders.

Sec. 7. *Be it further enacted*, That upon the conviction of such defendant or defendants by the verdict of a jury and the judgment of the court, in addition to the fine imposed by this act, the court shall order and direct a sale of the said billiard table, and after defraying the expenses of the said prosecution, the balance arising from such sale, shall be accounted for and appropriated as other fines and forfeitures.

Duty of sher-
iffs and other
officers to give
information of
any violation
of this act.

Sec. 8. *Be it further enacted*, That it shall be the duty of the sheriffs, deputy sheriffs and constables in their respective counties, if they know of the violation of this act, to give such information to the attorney of the commonwealth, whose duty also shall be, if he know of the violation of this law, or knows of the existence of witnesses by whom the same can be proved, to institute a prosecution against the person or persons who may have been guilty of such violation.

This act may
be plead in bar
to a recovery
of any billiard
table account,
or bond or
note given
therefor.

Sec. 9. *Be it further enacted*, That from and after the tenth day of March next, no billiard account, bond, bill or note contracted with the owner, keeper, or agent of any billiard table shall be collectable by law, and every defendant or defendants before any justice of the peace in case of a warrant, or in any court of law or equity, may plead this act in bar to a recovery upon any such account, bond, bill or note.

Repealing
clause.

Sec. 10. *Be it further enacted*, That any act or parts of acts coming within the purview of this act be, and the same are hereby declared to be repealed:

Commencing
clause.

This act shall be in force from and after the tenth day of March next.

CHAP. CCCXXIV.

An ACT to amend the Law concerning Constables

Approved December 21, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That each constable within this commonwealth, heretofore appointed, or who shall hereafter be appointed, shall, reside within the precinct assigned him; and upon the failure or refusal of any constable to reside within the precinct assigned him by the court, the office of such constable shall be vacated for that cause; and the county court, where such vacancy shall happen, shall proceed forthwith to fill the same, in manner and form now prescribed by law.

Constable to reside in precinct in which he acts, or vacate his office.

Sec. 2. There shall be one justice of the peace appointed for the county of Washington, in addition to the number now allowed by law, to reside near William Bigger's, near the North fork of the Rolling fork of Salt river; and one justice of the peace for the county of Jefferson, to reside in Transylvania or its vicinity; and one justice of the peace for the county of Mercer, to reside in the lower end of said county, between Salt river and Kentucky river.

Additional justices allowed to Washington

Jefferson, and Mercer.

Sec. 3. Additional constables shall be appointed for the following counties, viz. Three for the county of Jefferson, one to reside in the town of Transylvania, one in Floydsburg or its vicinity, and one in the vicinity of Netherton's tavern and Charles G. Dorsey's; one for the county of Wayne; one for the county of Barren, to reside in Glasgow; three for the county of Washington, one to reside in the south-east precinct, near Bradford's mill, and one in the south west precinct, to reside in the vicinity of the Horse Shoe bend of the Rolling fork of Salt river, and one in the neighborhood of Lloyd Ray; two for the county of Hardin; one for the county of Caldwell, to reside in Princeton; one for the county of Lincoln, to reside in Stanford; one for the county of Scott, to reside in the north west end of the third district of said county; one for the county of Franklin, to reside on the south side of

Additional constables to be appointed in Jefferson,

Wayne, Barren, Washington,

Hardin, Caldwell, Lincoln, Scott,

Franklin,

Grayson and the Kentucky river, between the mouths of Flat and Stoney creeks; one for the county of Grayson, to reside in that part of the county where the court in their discretion may think him most wanted; two for the county of Harrison, one of whom shall reside on the waters of Beaver creek, the other to reside in or near Leesburg.

Sec. 4. That the county court of Washington In Washington county, a majority of all the justices in said county being present, shall, if to them it shall seem necessary, lay off an additional constable district on the north side of said county, to be composed of parts of districts numbers five and six, and shall appoint a constable therein.

CHAP. CCCXXV.

An ACT further to provide for the settlement of the concerns of the Farmers and Mechanics' Bank of Shelbyville, and for other purposes.

Approved December 21. 1821.

Recital.

WHEREAS it is represented, that Andrew Holmes, one of the commissioners appointed for the purpose of winding up and settling the concerns of the Farmers and Mechanics' Bank in Shelbyville, is, from indisposition, unable to perform those duties; and that the stockholders desire that Samuel Tevis should be appointed to act in conjunction with Mark Hardin and Fielding Winlock, the other commissioners: Therefore,

Comm'rs appointed to settle and close the affairs of the Shelbyville bank.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That Mark Hardin, Fielding Winlock and Samuel Tevis, be, and they are hereby appointed commissioners, for the purpose of settling and closing, as soon as practicable, the business of said bank. And

The estate and choses in action of the bank vested in the comm'rs.

all the estate, real and personal, and all choses in action, to which the president, directors and company of said bank are entitled, shall be, and the same are hereby vested in said commissioners, who may sue and be sued in their character as commissioners; but shall in no case be made liable farther than assets have or may come into their hands as commissioners of said institution.

Comm'rs not to be liable further than they receive assets.

Sec. 2. They shall have all necessary power ^{Powers granted to balance, adjust and finally close the debts, accounts and business of said bank, among the stockholders, and debtors and creditors, according to the true meaning of their charter, and the laws in relation thereto; and for that purpose, may demand and recover from stockholders, just and equal proportions of such sums as by law and equity they ought to pay toward discharging the debts of the said institution; as they shall have power also to collect from all others indebted thereto, by which they may be enabled to pay off its debts and cancel its paper.} ^{to close said business.}

Sec. 3. That the farther time of three years shall be given, from and after the passage of this act, to transact said business. And if any of the said commissioners, or any other who may be appointed for that purpose, fails to act, the circuit court for Shelby county may appoint another to fill any such vacancy; and make such allowance to any one of the commissioners, for extraordinary labor, time and attention, in the examination of the books, accounts and concerns of said bank, as shall seem just and reasonable, to be paid out of the funds of said institution. ^{Three years allowed them for that purpose.} ^{Circuit court of Shelby may fill vacancy in said board, and allow them a compensation.}

Sec. 4. *Be it further enacted,* That the further time of two years, from and after the first day of March next, be allowed to the several independent banks in this commonwealth, to wind up and close their concerns. ^{The further time of two years allowed the independent banks to close their concerns.}

CHAP. CCCXXVI.

An ACT providing for the sale of the vacant Lands west of the Tennessee River.

Approved December 21, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the register of the land office to attend, on the first Monday in September next, at the town of Princeton, in the county of Caldwell, and then and there, from day to day, (until completed,) expose to public sale, to the highest bidder, the following sections of land, for ready ^{Register of land office to sell lands.}

What lands to
be sold.

money, under the restrictions and limitations herein prescribed, viz. The odd sections of land in township one north, range four, east of the meridian line; the odd sections of land in township one north, range one west of the meridian line; the odd sections in township one north, range three west of the meridian line; the odd sections in township four north, range one east of the meridian line; the odd sections in township three north, range four east of the meridian line; the odd sections of township three north, range two east of the meridian line; the odd sections of township three north, range one west of the meridian.

Minimum
price.

Sec. 2. *Be it further enacted:* That the odd sections in the following townships shall also be exposed to sale, viz. In township one north, range two east of the meridian line; in the fractional township, range seven west of the meridian line; in township two north, range four east of the meridian line; in fractional township two north, range six east of the meridian line; in township three north, range one east of the meridian line: *Provided,* that the register shall not sell any portion of the sections authorised to be exposed to sale, unless the same will bring at least one dollar and twenty five cents per acre; nor shall he sell such portions of any township which may be selected for the seats of justice for the counties which may be established west of the Tennessee river.

To sell a quarter section at a time, and how much in a day.

Sec. 3. The register, in making the sales, shall not sell, at the same time, a greater quantity than a quarter section; and if the same will not bring, per acre, at least the sum designated by this act, it shall be stricken off to the state; nor shall the register sell more than the odd sections in two townships in each day.

Duties of the cashier of the branch bank at Princeton.

Sec. 4. It shall be the duty of the cashier of the Branch Bank of the Commonwealth of Kentucky, at Princeton, to receive and receipt to the purchasers for the amount of the purchase money which they may have severally bid, and upon the production of which receipt to the register, he shall give such purchaser or purchasers a

Register to give certifi-

printed certificate, specifying the quantity of acres, and further duties.
 acres by him or them purchased, the price, number, and situation of the quarter section sold, and in what township: *Provided*, that in any case

where any one individual shall purchase a half or whole section, he may give one certificate including the whole; and upon the production of such certificate at the register's office, the register shall forthwith, as soon as practicable, issue a patent for the same to the original purchaser, or his or her assignee, and record the same in a separate book or books, as in other cases; which grant shall pass the title of this commonwealth to the patentee; but in no case shall the register give a certificate of sale, unless it shall appear from the cashier's receipt of the bank at Princeton, that the whole purchase money has been paid. And if any person shall fail or refuse to pay immediately, the price by him or her bid for any land at such sale, when the same shall have been stricken off to such person, he shall forfeit and pay the sum of one hundred dollars, (to be recovered by information filed by the attorney-general in the general court, to the use of the commonwealth, upon application made to him by the register,) and the register shall immediately proceed to sell the land to the highest bidder again, as though the same had not been previously sold, and such first purchaser shall not be permitted to bid for the same.

Purchasers, if they fail to pay, how proceeded against

Land to be sold again.

Sec. 5. It shall be the duty of the register of the land office, in making such sales, to keep a correct record of the same, describing therein the particular quantity and situation of each parcel of land by him sold, the price of the same, and the name of the purchaser or purchasers, to be by him kept as one of the record books of his office; and to enable the register to perform this duty, it shall and may be lawful for him to employ one clerk, during the time of making said sales, at a sum not exceeding three dollars per day.

Register to keep a record of sales.

To employ a clerk.

Sec. 6. When the register issues any grant, according to the provisions of this act, he shall carefully preserve the original certificate in his

To keep a record or certificate.

office, and record the same in a book to be by him procured for that purpose.

Sale to be advertised.

Sec. 7. The register shall advertise the time and place of sale in the Argus of Western America, the Kentucky Gazette and Lexington Public Advertiser, one of the papers in Louisville and Hopkinsville, and one or more papers in Tennessee, North Carolina, Virginia, and National Intelligencer, at least four months before the day of sale.

Money paid in at Princeton, subject to order of principal bank.

Sec. 8. The money paid into the Branch Bank of the Commonwealth at Princeton, shall be placed as a deposit in said bank, and shall be subject to the order of the president and directors of the principal bank. And for the purpose of enabling the cashier of the principal bank to check for the same, under the order of the said president and directors, it shall be the duty of the register of the land office to file with the cashier of the principal bank the receipts of the cashier of the Princeton bank, and take his aggregate receipt for the same, which shall be filed with the auditor, who shall issue a certificate of the amount to the treasurer, which shall be the treasurer's receipt for the amount thereof, as paid to the Bank of the Commonwealth of Kentucky, on the part of the state.

Crier to be employed.

Sec. 9. The register shall have power to employ a crier to make said sales, whose compensation shall not exceed three dollars per day, for each day he may be employed in making the sales; and the register shall receive the sum of four dollars, for every day he shall be engaged in going to, attending upon, and returning from said sales.

Register not allowed to purchase lands

Sec. 10. The register shall not, either directly or indirectly, purchase on his own account, or that of any other, any lands, at the sales hereby directed to be made; and should any such purchase be made, it shall be absolutely null and void.

May suspend sales.

Sec. 11. The register shall, and he is hereby authorised to suspend the whole, or in part, the sales hereby directed to be made, if he shall be of opinion that there is not on the ground a sufficient

number of bidders to produce a just competition.

Sec. 12. The register, in making the sales provided for by this act, may receive in payment, notes of the State and Commonwealth's Bank and their branches, notes of the United States' Bank and its branches, gold and silver, or the notes of any specie paying bank within any of the United States.

What kind of money to be received.

Sec. 13. If the lands sold under this act shall be taken from any purchaser or his assignee, by a prior claim adverse to the title acquired by the sale and purchase under this state, the said purchaser, or person claiming under him, shall receive from the treasury the amount of the original purchase money, upon the production of the record and the certificate of the judge of the court, that said land was lost upon a fair and full trial upon the merits of the respective titles, to the auditor of public accounts, who shall issue his warrant on the treasury for the amount of the original purchase money, without interest.

Purchase money to be refunded in certain cases.

Sec. 14. The register shall expose the said lands to sale in the order, progressively, as the townships are named in this act.

Lands to be sold in progressive order.

Sec. 15. The register's certificate, that his clerk and crier have faithfully performed their duties, and of the number of days that they may have respectively acted, shall authorise the auditor to issue his warrant on the treasurer for the compensation allowed by this act; and the register shall also make out his account, on oath, for the number of days he may have been engaged in going to, attending on, and returning from said sale, which shall be submitted to the governor for his approval; who shall certify the same to the auditor, who shall issue his warrant on the treasurer accordingly.

Register to give clerk and crier certificates.

Sec. 16. If the register shall, from any cause, fail to act, the governor shall appoint some other fit person to discharge the duties hereby enjoined, who shall enter into bond, with at least two or more securities, to be approved of by the governor, in the penalty of ten thousand dollars. The person so appointed shall be authorised to

If the register cannot attend, the governor may appoint a person to attend.

go on and make the sales, under the same rules and regulations as are prescribed to the register by this act.

No land covered by a military claim, to be sold.

Sec. 17. The register of the land office shall not sell, under the provisions of this act, any section or portion of a section of land which may be included in any military entry or survey: *Provided*, he is satisfied of such interference by an attested copy of such entry or survey being served on him.

Recital.

And whereas many persons have heretofore settled upon the lands west of the Tennessee river, and made improvements, under a hope that some liberal provision would be made for them by their government:

Improvements of settlers to be valued and paid for.

Sec. 18. *Be it further enacted*, That all those who are actual settlers upon any of the sections by this act directed to be sold, shall be entitled to a reasonable compensation for the improvements they have made thereon, or to hold and enjoy the same for the term of five years from the passage of this act, free from any charge for rent; at the election of the purchasers.

Sec. 19. *Be it further enacted*, That if any purchaser under this act shall elect to pay the settler for his improvements, he may, upon giving to such settler ten days' previous notice, apply to the circuit court of the county in which the land may be situate, to appoint commissioners to value said improvements; and upon such application, it shall be the duty of said court to appoint three commissioners to value the same, who, or a majority of them, shall value the same and make report to said court; upon which such court shall render judgment against the purchaser for the value assessed, subject to all just exceptions and proceedings as are usual in such cases.

Settler to have a lien.

Sec. 20. *Be it further enacted*, That the settler shall have a lien on the land, to secure payment of the value of his improvements: *Provided*, when the purchaser fails or refuses to pay for the improvements as aforesaid, before the occupant shall be entitled to the privileges hereby granted, he shall enter into bond to the purchaser, in an adequate penalty, conditioned that he, she or

Settler to give bond not to commit waste.

they will not commit unnecessary waste, and that he or they will deliver up to the purchaser peaceable possession of the premises, at the end of the term aforesaid. Nevertheless, the purchaser shall be entitled to the possession of that part of his purchase, not actually improved and occupied by such settler, except for fire-wood, and timber for repairs. *Provide.*

CHAP. CCCXXVII.

An ACT to amend an act entitled "an act to regulate Endorsements on Executions."

Approved December 21, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the act entitled "an act to regulate endorsements on executions," shall in all cases apply to decrees and orders of sale in chancery, where any estate whatever is directed to be sold, and where the plaintiff or plaintiffs have the right to endorse that they will "receive the notes of the Bank of Kentucky or its branches, and the notes of the Bank of the Commonwealth of Kentucky or its branches, in discharge of an execution," the same right of replevy or sale on credit, shall apply to decrees or orders of sale in chancery, where the plaintiff or plaintiffs, his agent or attorney, fails or refuses to endorse that he, she or they will take the notes of the banks and their branches, above specified. *Act to apply to decrees.*

Sec. 2. Real and personal estate, taken under execution, or which may be subjected to sale by execution, order of sale or decree in chancery, shall be first appraised, before a sale thereof shall be made, as hereinafter directed. *Property to be appraised in certain cases.*

Sec. 3. When any sheriff, constable or other officer shall levy an execution upon any personal or real estate, he shall at the time deliver to the defendant or defendants therein, or to his or their agent or attorney, if residing within the county, an inventory of said property, signed with his name and style of office, and shall note thereon the time and place when and where the same is *Inventory of property to be delivered to defendant.*

- County courts** by him intended to be sold; and it shall be the duty of the several county courts in this commonwealth, to appoint ten fit and discreet house-keepers in each county, as commissioners, who shall be sworn to act impartially, in the valuation of property, in money, under the provisions of this act, any two of whom shall be sufficient to make the valuation of the property contained in the said inventory, and in case of their disagreement, may choose a disinterested umpire, and certify to the sheriff or other officer the value or appraisement thereof, taking each article or set of articles as it or they stand or are specified in said inventory; and the sheriff or other officer shall, on the day of sale, expose the said goods, chattels or real estate to public sale, or so much thereof as by the said appraisement shall be equal to the amount of said execution or executions, offering first the goods and chattels, if any, exclusive of slaves; next, slaves, if any; and lastly, the land or real estate, if any, or so much thereof as shall be sufficient; but the defendant or owner of said property shall have a right to direct that his slaves, if any, or land, if any, shall first be exposed to sale; and the sheriff or other officer shall sell, to the highest bidder or bidders, the said appraised property: *Provided the same will bring three-fourths of the value put thereon in the said appraisement; but if less than three-fourths the said appraised value only is bid, such articles, or parts thereof, for which less only is bid, shall not be sold: And provided, that no more shall be exposed to sale than by said appraisement will cover the amount of the execution or executions, except that in selling the last article it may overreach said amount, in which case the surplus shall be paid to the defendant whose property shall have been sold.* But the owner or owners of said property may, by his or their consent in writing, have a further exposure of any part of said appraised property, if that, or any part which has been exposed, shall not be sold as aforesaid; and the said owner or owners may permit, by his or their consent, the said property, or any part, to be sold for less than three-fourths of the said appraised value.
- County courts** to appoint appraisers.
- Their duty.**
- Order of sale**
- Property not to be sold, unless it will bring 3-4 of its value.**
- Owners may permit property to be sold for less than 3-4 of its value.**

Sec. 4. The officer levying an execution or ex-
 ecutions, whether the same is or is not endorsed
 that no security of any kind is to be taken, or
 whether said execution has been issued upon a
 replevin bond or not, shall allow the personal or
 moveable property taken in execution to remain
 in the possession and care of the defendant or
 defendants, if he or they, or any one or more of
 them, or any person for him or them, shall give
 such officer a bond, made payable to the plaintiff
 or plaintiffs, with good security, conditioned for
 the delivery of said property at the time and place
 appointed for the sale thereof; and said officer
 shall annex a list or inventory of said property
 to said bond, with an appraisement which he
 shall put upon each species or article of said
 property; and if any of it shall not be delivered
 or forthcoming, according to the condition of said
 bond, the appraised value put thereon by said
 officer, shall be *prima facie* evidence of the value
 of so much of said property as shall not be deliv-
 ered or forthcoming as aforesaid; and the plain-
 tiff or plaintiffs in said execution, or his or their
 agent or attorney, shall, by motion to the court
 or justice of the peace from whence such execu-
 tion issued, or before some other justice of the
 peace, recover a judgment against the obligors
 of said bond, or either of them, for the value of
 the articles not delivered or forthcoming as afore-
 said; and the court or justice of the peace, as the
 case may be, shall give judgment for the value
 of so much of the said property, which shall not
 have been delivered or forthcoming, according
 to the condition of said bond, and costs: *Pro-*
vided, that no judgment shall be rendered against
 the obligors in said bond, or either of them, un-
 less they have ten days' previous notice of said
 motion; and upon the trial, it shall be competent
 for said obligors to contest the value of said
 property, as put thereon by said officer, and the
 fact of its non-delivery or not being forthcoming,
 or may allege its loss or destruction. A justice
 of the peace shall have cognizance of the whole
 case, when the execution under which said bond
 was executed shall have been issued by a justice;

Defendant
 may give a de-
 livery bond for
 personal prop-
 erty.

Proceedings
 thereon, if the
 property is not
 delivered.

Obligors to
 have notice,
 before judg-
 ment.

Proceedings
 thereon, be-
 fore a court or
 justice of the
 peace.

and a court of competent jurisdiction may order any issue or issues of fact, if necessary, to be tried by a jury, and give judgment accordingly; and upon such judgment of the court or justice, the plaintiff or plaintiffs may sue out execution, and property taken under such execution shall be sold for ready money, without valuation, for whatever it will bring, and the amount, except costs, shall be credited upon the former judgment or execution; but this proceeding shall not be had, after the judgment upon which the former execution was issued shall be satisfied; nor shall the obligors of said delivery bond be liable for the non-delivery of any property contained therein, which may have been lost or destroyed by unavoidable accident or casualty, before the day of sale: *Provided*, that the owner, or any other for him, give notice to the said officer, on or before said day, of such loss or destruction, supported by affidavit; which notice the officer shall return with said bond; and the plaintiff or plaintiffs may, at his or their option, release said property not delivered, from said execution, or may proceed on said bond as above directed; and the officer to whom an execution shall be directed upon a judgment resulting from such motion, shall secure the property in his own hands, taken under said execution, and shall not take security for its delivery; and the clerk or justice issuing said execution, shall endorse thereon, in substance, that it was recovered upon a delivery bond, and that no further security is to be taken.

If property is destroyed, officer to have notice.

No security to be allowed on judgments on such bonds.

Property, if it does not sell for 3-4 of its value, to be returned, and again liable.

Sec. 5. So much of the property taken in execution and exposed to sale as before directed, which shall not sell for three-fourths of its appraised value as before directed, shall be returned by the officer exposing the same to sale, to the defendant owner thereof, unless it shall have been sold at a less price by consent of said owner or owners; and the said property and real estate not sold as aforesaid, shall be released from the said execution or executions, but shall be again liable to any future execution upon the same judgment or decree, or to the execution of any other person or persons, and shall be proceeded

on, in either case, in all respects as before directed by this act.

Sec. 6. Property, real or personal, or bank stock, which shall be liable to be sold by an officer, or by any commissioner or commissioners under any order of sale or decree in chancery, shall be appraised and proceeded on in all respects as required by this act in case of proceedings by execution; and property mortgaged or conveyed in trust, shall not be sold by any officer or commissioner or commissioners, for less than three-fourths of it said appraised value, unless the owner or owners, mortgagor or mortgagors, or person or persons creating the trust, shall consent that it may be sold for less.

Property, under decrees in chancery, not to be sold, unless it will also bring 3-4 of its value.

Sec. 7. If the plaintiff or plaintiffs in any suit or execution, order of sale or decree in chancery, shall endorse or cause to be endorsed thereon, before said execution shall be levied upon the property of the defendant or defendants therein, that notes of the Bank of the Commonwealth of Kentucky and of its branches, and notes of the Bank of Kentucky and of its branches, will be received in discharge of the said execution, order of sale or decree in chancery, where such endorsement shall in substance be made on an execution, order of sale or decree in chancery, the sheriff or other officer or commissioners shall proceed to sell the property or estate upon which said execution shall be levied, or which may be subject to said order of sale or decree, under existing laws, for what said property or estate will bring, without having the appraisement or valuation provided for by this act; and the foregoing sections of this act shall not apply to the proceedings to be had upon an execution, order of sale or decree in chancery, endorsed as above provided for in this section of this act.

This act to apply only to cases not endorsed.

Sec. 8. Where the property first exposed to sale under the provisions of this act, fails to sell for three-fourths of its valuation as aforesaid, and the defendant fails to authorize its sale for such price as it will command, it shall be the duty of the officer having the collection of the debt, to cause a valuation of other property of the defendant.

If the property first appraised does not sell, a valuation to be made of other property, to be successively selected by the defendant.

dant, to be successively selected by such defendant or defendants, if such he has, to be made, which in like manner shall be exposed to sale, until the whole of the property of the defendant is exposed to sale, unless the execution is satisfied by the sale of a part thereof: *Provided*, that in case the defendant or defendants shall fail or refuse to make such selection, the officer may levy on other property, to be valued in like manner: *Provided also*, that nothing herein contained shall be construed to affect, in any manner, sales of real estate which may be made under the provisions of an act entitled "an act to abolish imprisonment for debt and subject equitable interests to execution:" *And provided also*, that the commissioners directed to be appointed by this act, shall be entitled to one dollar for each day they may be necessarily employed, to be paid by the defendant or defendants.

Original judgments and decrees, not endorsed, may be replevied two years

Sec. 9. Upon all executions upon original judgments, decrees in chancery or orders of sale, if no endorsement is made, the party shall have the same right of replevy, that now exists by law; and when an endorsement is made as above required, the defendant or defendants shall have a right to replevy for three months, as heretofore.

CHAP. CCCXXVIII.

An ACT to incorporate the Lexington Medical Society.

Approved December 21, 1821.

Preamble.

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, that there is a number of individuals, connected with the School of Medicine in Transylvania University, who are desirous of being incorporated as a society, the name and constitution of which are hereunto annexed, for the purpose of cultivating to more advantage the science of medicine, and of awakening in these western states, a more lively zeal for greater attainments and improvements in that important branch of knowledge; and whereas the useful-

ness of such an institution, under correct and efficient regulations, and the sphere of its influence, would be greatly extended, were it recognized and sanctioned by the legislature of this commonwealth; and it being the wish of this body to give encouragement to literature, especially to that department of it whose chief object is to promote health: Therefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That Henry Miller, jun. president, Walter H. Drane, vice-president, Henry G. Doyle, secretary, G. F. H. Crockett, treasurer, J. W. Mitchell, R. L. Wiley, John R. Abbay, Thomas M. Wooldridge and others, members, and their successors, shall be, and they are hereby declared and constituted a body corporate and politic, by the name and style of the Lexington Medical Society; and by that name shall have perpetual succession of officers and members, and a common seal, with full power to change, alter and make new the same as often as they shall judge expedient.

Names of the members incorporated, & style of incorporation.

Sec. 2. *And be it further enacted*, That the said corporation and their successors shall have power to purchase, receive and possess property, to the amount of ten thousand dollars, for the procurement, hereafter, of a library, and a building to contain it. And the said society, by the name and style aforesaid, may sue and be sued, plead and be impleaded, either in law or equity, in any court, or before any justice, having competent jurisdiction.

Corporate powers and privileges.

Sec. 3. *And be it further enacted*, That the said society shall have power to make all such by-laws, rules and regulations, not repugnant to the laws of this commonwealth, as they, or a majority of them, may deem necessary or expedient for the government, support and prosperity of the said corporation.

May make by-laws, &c.

Sec. 4. *And be it further enacted*, That for the proper and more speedy organization of the said society, the constitution and rules for their government, and which they shall have power hereafter to alter or amend, agreeably to the provisions therein contained, shall be as follows, viz.

CONSTITUTION.

ARTICLE I.

§ 1. This society shall be styled The Lexington Medical Society.

§ 2. It shall consist of honorary and junior members.

§ 3. The officers of the society shall be, a president, vice-president, secretary, and treasurer.

§ 4. All the officers of this society shall be elected annually, by ballot, and each election shall require a majority of the members present.

ARTICLE II.

Duty of Officers.

§ 1. It shall be the duty of the president to preserve order in the society; to state and put questions or motions, when in order; to direct and regulate all proceedings of the society.

§ 2. If on any question there shall be an equal division of the society, he shall give the casting vote.

ARTICLE III.

§ 1. It shall be the duty of the vice-president, in the absence of the president, to perform all the duties appertaining to the latter.

§ 2. In the absence of the president and vice-president, a member shall be appointed by the society, who shall execute all the duties of the president.

ARTICLE IV.

§ 1. It shall be the duty of the secretary to keep a record of the proceedings of the society.

§ 2. He shall read before the society, all papers or answers which he may receive in relation to it; preserve such medical or other papers or communications as the society may deem worthy of preservation, and hold all such papers, &c. accessible to the members of the society, and manage all matters of correspondence.

ARTICLE V.

§ 1. It shall be the duty of the treasurer to collect all moneys due the society, and make report of the state of the funds, annually, or oftener, if required.

§ 2. He shall discharge all pecuniary demands

against the society, its consent being previously obtained.

ARTICLE VI.

Of the Election of Members.

§ 1. All applications for membership shall be made in writing, and handed in by a member of the society; after which, it shall lie over until the succeeding regular meeting, at which time it shall be submitted to the society, and require the concurrence of three fourths of the members present for his election.

§ 2. If a junior member, the secretary shall then introduce him to the presiding officer, who shall deliver to him the following charge, and require his affirmation:

You, A. B. having been proposed as a suitable member of this society, and elected by a majority of three fourths of its members, are judged worthy of a seat in this respectable institution; and you do thus publicly declare, that so long as you shall continue a member thereof, you will use your best endeavors to promote its prosperity, and subscribe to, and be governed by its constitution and by laws.

After which he shall be entitled to take his seat as a member.

ARTICLE VII.

Duty of Members.

§ 1. It shall be the duty of the junior members of this society, according to seniority in study, to read and defend before the society, a dissertation on some medical subject, or one connected therewith.

§ 2. Any honorary member shall be entitled to furnish a dissertation, and the society will always give a preference to such dissertation.

ARTICLE VIII.

Of meetings.

§ 1. There shall be an annual meeting of the society on the first Friday succeeding the commencement of the lectures in the Transylvania Medical School.

§ 2. It shall be the business of the society, at this meeting, to examine into the state of the funds, and transact such other business as may be deemed expedient.

§ 3. There shall also be a meeting of this society every week, during the medical session of Transylvania University.

§ 4. Six members shall constitute a quorum, and be authorised to transact the ordinary business of this society.

§ 5. No amendment of this constitution shall be made, without the member or members proposing such amendment, present the same, in writing, to the secretary, who shall read it to the society; after which it shall lie over until the next regular meeting; at which time it shall be acted on—it being specially understood, that no amendment can be made without the concurrence of three-fourths of the members of the society.

CHAP. CCCXXIX.

An ACT to regulate the times of holding Circuit Courts, County Courts, and the General Court, in this Commonwealth.

Approved December 21, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the circuit courts of this commonwealth, in the several judicial districts and counties, shall be held and continue their terms the number of days herein-after expressed, if the business of said courts require it.*

FIRST JUDICIAL DISTRICT.

Mason,

The circuit court of Mason county shall commence on the second Mondays of May, August and November, and shall continue eighteen juridical days; and the said court shall hold a chancery term in each year, to commence on the third Monday in March, and continue twelve juridical days.

Fleming,

The circuit court of Fleming county shall commence on the first Mondays of March, June and September, and shall continue twelve juridical days.

Lewis,

The circuit court of Lewis county shall commence on the first Mondays of April, July and October, and shall continue six juridical days.

The circuit court of Bracken county shall commence on the fourth Mondays of April, July and October, and continue six juridical days.

SECOND JUDICIAL DISTRICT.

The circuit court of Harrison shall commence on the second Mondays in March, June and September in each year, and may continue twelve juridical days.

The circuit court of Nicholas shall commence on the fourth Mondays in March, June and September in each year, and may continue twelve juridical days.

The circuit court of Pendleton shall commence on the third Mondays in April, July and October, and may continue six juridical days.

The circuit court of Campbell shall commence on the fourth Mondays in April, July and October in each year, and may continue six juridical days, except in those months that may contain five Mondays, in which said court may continue twelve juridical days.

The circuit court of Boone shall commence on the first Monday in May, August and November in each year, and may continue twelve juridical days each term, except the November term, which shall not exceed six juridical days.

The circuit court of Grant shall commence on the third Monday of May and August, and on the second Monday in November in each year, and may continue six juridical days.

THIRD JUDICIAL DISTRICT.

The circuit court of Fayette county shall commence on the third Mondays of March, June and September, and continue twenty-four juridical days; and shall hold a chancery term on the first Monday in February in every year, and shall continue twenty-four juridical days.

The circuit court of Scott county shall commence on the first Mondays of March, June and September, and continue twelve juridical days.

The circuit court of Owen county shall commence on the second Mondays of May, August and November, and continue six juridical days.

FOURTH JUDICIAL DISTRICT.

Franklin, The circuit court of Franklin shall commence on the third Mondays in March, second Mondays in July and October, and continue eighteen juridical days at the March and October terms, and twenty-four juridical days at the July term, the last week of which term to be appropriated exclusively to the preparation and trial of chancery causes.

Shelby, The circuit court of Shelby shall commence on the first Mondays in February, third Mondays in June and September, and shall sit twenty-four juridical days at the February and September terms, and eighteen juridical days at the June term.

Henry, The circuit court of Henry shall commence on the first Mondays in March, June and September, and sit twelve juridical days at each term.

Gallatin. The Gallatin circuit court shall commence on the second Mondays in April, fourth Monday in August and third Monday in November, and continue six juridical days at each term.

Franklin and Shelby county courts to sit on third Mondays. The county courts of Franklin and Shelby shall sit on the third Mondays in every month; except in the months in which the circuit courts are held.

FIFTH JUDICIAL DISTRICT.

Jefferson, The circuit courts of Jefferson county shall hereafter hold three common law terms in every year, the first to commence on the first Monday in March, and continue thirty juridical days; the second to commence on the first Monday in June, and continue twenty-four juridical days; the third to commence on the first Monday in September, and continue twenty-four juridical days. The said court shall hold two chancery terms in each year, one to commence on the third Monday in January, and continue thirty juridical days; the other to commence on the first Monday in July, and continue twenty-four juridical days.

The general court to sit in January and August. The general court shall hereafter commence and hold its respective terms on the first Mondays January and the second Monday in August in each year; and it shall be the duty of the judge

of the fifth judicial district to attend the terms of said court, and, with such other judges as shall attend, to hold the said court.

SIXTH JUDICIAL DISTRICT.

The circuit court for the county of Logan shall commence on the first Mondays of May, August and November, and continue twelve juridical days. The said circuit court of Logan county shall also hold a chancery term, for the trial of chancery causes only, to commence on the first Monday of February and fourth Monday of November in every year, and to continue twelve juridical days at each term, if the business require it.

The circuit court of Warren county shall commence on the fourth Mondays of February, May and August, and continue twelve juridical days.

The circuit court of Allen county shall commence on the third Mondays of May, August and November, and continue six juridical days.

The circuit court of Simpson county shall commence on the second Mondays of April, July and October, and shall continue twelve juridical days.

The circuit court of Butler county shall commence on the second Mondays of March, June and September, and continue six juridical days.

The circuit court of Todd county shall commence on the fourth Mondays of April, July and October, and continue six juridical days.

SEVENTH JUDICIAL DISTRICT.

The circuit court of Livingston county shall commence on the second Mondays of March, June and September, and continue six juridical days.

The circuit court of Caldwell county shall commence on the third Mondays of March, June and September, and continue twelve juridical days.

The circuit court of Christian county shall commence on the first Mondays in April, July and October, and continue eighteen juridical days.

The circuit court of Trigg county shall commence on the third Mondays of May, August and November, and continue six juridical days.

Christian chan-
cery term.

It shall be the duty of the judge of the seventh judicial district to hold a separate chancery term for the county of Christian; which chancery term shall commence on the third Monday in February in each year, and continue twelve juridical days, if the business of said court shall so long require.

Hickman,

The circuit court of Hickman county shall commence on the first Mondays in March, June and September, and sit six juridical days, if the business require it.

EIGHTH JUDICIAL DISTRICT.

Green,

The circuit court of Green county shall commence on the third Mondays of February, May and August, and continue twelve juridical days.

Adair,

The circuit court of Adair county shall commence on the first Mondays of March, June and September, and continue twelve juridical days.

Cumberland,

The circuit court of Cumberland county shall commence on the second Mondays of April, July and October, and continue twelve juridical days.

Barren,

The circuit court of Barren county shall commence on the third Mondays of March, June and September, and continue twelve juridical days.

Monroe,

The circuit court of Monroe county shall commence on the first Mondays of April, July and October, and continue six juridical days.

Hart,

The circuit court of Hart county shall commence on the fourth Mondays of April, July and October, and continue six juridical days.

NINTH JUDICIAL DISTRICT.

Washington,

The circuit court of Washington shall commence on the second Mondays of May, August and November, and continue twelve juridical days.

Mercer,

The circuit court of Mercer county shall commence on the first Mondays of April, July and October, and continue twelve juridical days.

Jessamine,

The circuit court of Jessamine county shall commence on the third Mondays of April, July and October, and continue twelve juridical days.

Woodford,

The circuit court of Woodford county shall commence on the first Mondays of March, June and September, and continue twelve juridical days.

TENTH JUDICIAL DISTRICT.

The circuit court of Bourbon county shall Bourbon, commence on the second Mondays of May, August and November, and shall continue eighteen juridical days.

The circuit court of Clarke county shall com. Clarke, mence on the fourth Mondays of March, June and September, and continue eighteen juridical days.

The circuit court of Madison county shall com. Madison, mence on the first Mondays of March, June and September, and continue eighteen juridical days, except the March term, which shall continue twelve juridical days only. And shall hold a chancery term, on the last Monday in February in each year, and continue six juridical days.

The circuit court of Estill county shall com. Estill, mence on the third Mondays of April, July and October, and continue six juridical days.

ELEVENTH JUDICIAL DISTRICT.

The circuit court of Montgomery county shall Montgomery, commence on the first Mondays of March, June and September, and continue eighteen juridical days.

The circuit court of Bath county shall com. Bath, mence on the second Mondays of May, August and November, and continue twelve juridical days.

The circuit court of Floyd county shall com. Floyd, mence on the fourth Mondays of April, July and October, and continue six juridical days.

The circuit court of Lawrence county shall Lawrence, commence on the first Thursday after the third Mondays of April, July and October, and sit three juridical days.

The circuit court of Greenup county shall com. Greenup, mence on the second Mondays of April, July and October, and continue eight juridical days.

The circuit court of Pike county shall com. Pike, mence on the first Mondays succeeding the fourth Mondays in April, July and October, and continue three juridical days.

The county courts of Pike county shall be hol. County court den on the first Mondays in every month in the of Pike. year, except the months of May, August and November.

County court of Lawrence. The county court of Lawrence county shall be holden on the third Mondays in every month, except April, July and October, except the first county court, as is provided for in the act establishing the county of Lawrence.

TWELFTH JUDICIAL DISTRICT.

Garrard, The circuit court of Garrard county shall commence on the third Mondays of March, June and September, and continue twelve juridical days.

Lincoln, The circuit court of Lincoln county shall commence on the second Mondays of May, August and November, and continue twelve juridical days.

Cassy, The circuit court of Casey county shall commence on the fourth Mondays of May, August and November, and continue six juridical days.

Wayne, The circuit court of Wayne county shall commence on the fourth Mondays of April, July and October, and continue six juridical days.

Pulaski, The circuit court of Pulaski county shall commence on the first Mondays succeeding the fourth Mondays of April, July and October, and continue six juridical days.

THIRTEENTH JUDICIAL DISTRICT.

Nelson, The circuit court of Nelson shall commence on the third Mondays of March, and the fourth Mondays of June and September, and continue twenty-four juridical days; and said court shall hold one chancery term in every year, commencing on the first Mondays of February, and continue six juridical days.

Hardin, The circuit court of Hardin county shall commence on the first Mondays of March, June and September, and shall continue twelve juridical days at the March term, and eighteen juridical days at each other term.

Bullitt, The circuit court of Bullitt county shall commence on the third Mondays of February, and continue twelve juridical days; and upon the fourth Mondays of May, and continue until the first Monday of June; and upon the third Monday in August, and continue twelve juridical days.

The circuit court of Grayson county shall com- Grayson,
mence on the fourth Mondays of July and Octo-
ber, and first Mondays in May, and continue six
juridical days.

FOURTEENTH JUDICIAL DISTRICT.

The circuit court of Muhlenberg county shall Muhlenberg,
commence on the first Mondays of March, June
and September, and continue six juridical days.

The circuit court of Hopkins county shall com- Hopkins,
mence on the second Mondays of March, June
and September, and continue six juridical days.

The circuit court of Union county shall com- Union,
mence on the third Mondays of March, June and
September, and continue six juridical days.

The circuit court of Henderson county shall Henderson,
commence on the fourth Mondays of March,
June and September, and continue six juridical
days.

The circuit court of Daviess county shall com- Daviess,
mence on the first Mondays of April, July and
October, and continue six juridical days.

The circuit court of Breckinridge county shall Breckinridge,
commence on the third Mondays of April, July
and October, and continue six juridical days at
the July and October terms, and twelve days at
the April term.

The circuit court of Ohio county shall com- Ohio,
mence on the second Mondays of April, July and
October, and continue six juridical days.

FIFTEENTH JUDICIAL DISTRICT.

The circuit court of Rockcastle county shall Rockcastle,
commence on the last Mondays of March, June
and September, and continue six juridical days.

The circuit court of Clay county shall com- Clay,
mence on the first Mondays of April, July and
October, and continue six juridical days.

The circuit court of Perry county shall com- Perry,
mence on the second Mondays of May, August
and November, and continue six juridical days.

The circuit court of Harlan county shall com- Harlan,
mence on the third Mondays of May, August and
November, and continue six juridical days.

The circuit court of Knox county shall com- Knox,
mence on the second Mondays of April, July and
October, and continue six juridical days.

Whitley.

The circuit court of Whitley county shall commence on the third Mondays of April, July and October, and continue six juridical days.

County courts to be held on the same Mondays in each month, except when circuit courts are held

Sec. 2. The county courts of the several counties shall commence on the same Mondays as the circuit courts, in every month, except those in which the circuit courts are held.

Times of holding the county courts of Nelson & Fayette.

Sec. 3. That the county court of Nelson shall hold its terms upon the third Mondays in January, February, April, May, July, August, October, November and December; and the county courts in the county of Fayette, shall be held on the second Mondays of each month in the year, except in the months of April, July and October, in which months there shall hereafter be no county courts held in said county.

Exception as to certain counties.

Sec. 4. *Be it further enacted.* That nothing in this act shall affect or alter the times of holding the county courts in Bourbon, Henry, Todd, Bullitt, Woodford, Warren and Jefferson counties. The county courts of Pulaski county shall be held on the first Mondays of every month, except those in which the circuit courts are held.

All process & recognizances made returnable to the courts as directed by this act to be held.

Sec. 5. *Be it further enacted.* That in all cases where the terms of any of the circuit courts contained in this act, are altered, all recognizances for any person or persons to appear at the first term of said courts after the passage of this act; and all process of every kind made returnable to said first term, or any day of said term, shall be good and valid in law, to all intents and purposes, as if the same had been taken or returnable to the terms of said courts as they were established previous to the passage of this act; and the same shall be as binding, in all respects, and upon all parties, as if this act had not passed.

Commencing clause.

This act shall commence and be in force from and after the first day of January next.

CHAP. CCCXXX.

An ACT to improve the Road leading from Lexington to Nashville in Tennessee, from where the same crosses the Rolling Fork to the summit of Muldrough's Hill.

Approved December 21, 1821.

WHEREAS it is represented to the present Preamble. general assembly, that the great highway leading from the north-west of the Ohio and upper settlements of this state, to the states of Tennessee, Alabama and Orleans country, is much out of repair, and particularly at Muldrough's Hill, near the Rolling Fork; and that owing to the quantity of labor requisite to put the said road in repair, and the thinness of the population in the neighborhood, the said road cannot be put in repair with the ordinary labor of the overseers and hands allotted to work on the said road: Wherefore,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the sum of one thousand dollars be, and the same is hereby appropriated for the purpose of opening and improving the said road, across the said hill, and from the said Hill to the Rolling Fork, and also to the top of the next hill southwardly along said road towards Green river. § 1000 appropriated to improving said road.

Sec. 2. *Be it further enacted,* That it shall and may be lawful for Henry Sanders, James Durham, John Muldrough and Benedict Spalding, who are hereby appointed commissioners for the purposes of improving said road, to apply to the auditor of public accounts for a warrant on the treasury of this state, for the sum aforesaid, and the auditor shall issue the said warrant, which shall be paid out of any money in the public treasury of this state not otherwise appropriated. Names of commissioners. Auditor to issue his warrant on the treasury.

Sec. 3. *Be it further enacted,* That before the warrant shall issue, the said commissioners shall, in the circuit court of Green or Washington county, enter into bond, with good and sufficient security, to be approved of by the court, in the penalty of six thousand dollars, payable to the Comm'rs to give bond and security.

Condition thereof.

May be sued on.

Comm'rs authorised to receive subscriptions of money or labor.

To direct the manner in which the improvements are to be made &c.

To report to the next legislature, on oath.

A majority may act.

commonwealth of Kentucky, for the faithful application of the money by this act appropriated, to the purposes of improving the road across said hill; which bond shall be carefully filed and preserved by the clerk of the court where the same is executed, and a copy, duly attested by the clerk, shall be produced to the auditor and filed in his office, before the warrant shall issue. Upon which bond suit may be brought and judgment obtained, as in other cases of the commonwealth.

Sec. 4. *Be it further enacted.* That the said commissioners are authorised, in aid of the fund aforesaid, to receive voluntary subscriptions of money or labor, and apply the same to the improvement of said road, and to use all lawful means for the collection of said subscriptions.

Sec. 5. *Be it further enacted,* That it shall and may be lawful for the said commissioners to direct the manner in which the said road shall be improved, and how the money shall be laid out on said road, and to appoint one of their own body, or other fit person, as overseer, to employ hands at the cheapest rate, and superintend the work; and shall allow to their said overseer, for his trouble, a sum not exceeding one dollar and fifty cents per day for each day he may be necessarily engaged in attending to said work.

Sec. 6. *And be it further enacted,* That it shall be the duty of the said commissioners to cause the said road to be repaired and put in good order as soon as practicable, and to report their proceedings in writing, containing an accurate statement of all expences, the repairs and situation of the road, the number of days and hands employed, and the prices of labor per day; which report they shall lay before the court where the bond may be executed, and shall make oath that in their opinion the said report is correct; and which report, when certified to be sworn to, shall be laid before the next general assembly.

Sec. 7. *And be it further enacted,* That where any act is required to be done by the said com-

missioners, the same may be done by a majority thereof.

This act shall commence and be in force from and after its passage.

CHAP. CCCXXXI.

An ACT for the benefit of the first regiment of Kentucky Militia, and for other purposes.

Approved December 21, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky,* That the board of officers of the first regiment of Kentucky militia, or a majority of them, have power and are hereby authorised to select some fit person to collect the fines and other demands assessed and due to the said first regiment of Kentucky militia, and which hereafter may become due; and at the next county court after his appointment, the said collector shall appear in court, and enter into bond, with approved security, in at least double the sum to be collected, for the faithful discharge of his office.

The officers of said regiment may appoint a person to collect the fines due and to become due the regiment.

Who is to give bond and security in the county court.

Sec. 2. *Be it further enacted,* That the collector who may be appointed for the year 1821, shall have full power and authority to collect all demands due the first regiment of Kentucky militia for the year 1820, which may be due and unpaid at the time of the passage of this act.

The collector to be appointed for 1821, may collect the fines due and unpaid for the year 1820.

Sec. 3. *Be it further enacted,* That the board of officers, at the time of selecting such collector, have power to fix upon the amount and mode of compensation to the said collector. And the said collector, after he shall have given bond and entered into the duties of his office, shall have all the power and authority, in the collection of said fines and demands of said regiment, as the sheriffs now have by statute in that case made and provided.

The officers of said regiment to fix the compensation of the collector. Collector to have the powers which the sheriffs now have in relation thereto.

Sec. 4. *Be it further enacted,* That whenever the board of officers in any regiment may deem it expedient, they may appoint one or more collectors, other than the sheriff; which collector

The board of officers of any regiment may appoint a collector for their regiment, un-

der the above or collectors shall be governed by the first section of this act.

Repealing clause. All acts and parts of acts which are in opposition to this statute, are hereby repealed.

CHAP. CCCXXXII.

An ACT for the benefit of the legatees of William Kinkead, deceased.

Approved December 21, 1821.

Preamble.

WHEREAS it is represented to the present general assembly, that William Kinkead, deceased, late of the county of Woodford, by his will directed his executors, after paying certain specific legacies, to divide his estate equally between all his children; and said estate consisting mostly of slaves, an equal division and distribution cannot be made between said children, without a sale thereof: Therefore,

Ex'rs may sell real estate, giving bond, &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be lawful for the acting executors of said William Kinkead, deceased, to sell said slaves at public sale, upon such credit as said executors shall deem most conducive to the interest of the said children, after first advertising the time and place of said sale for two weeks successively in the *Argus*, printed in Frankfort, and for two weeks at least at the court-house door of said county—the sale not to be sooner than four weeks after the first advertisement in the *Argus*; and the said executors shall distribute the proceeds of said sale amongst the legatees, and in the proportions intended by the testator in said will. And the said acting executors, before making said sale, shall enter into bond, in the county court of Woodford, with security, to be approved of by said court, for a faithful performance of the duties required of them by this act.

CHAP. CCCXXXIII.

An ACT for the benefit of Luke Munsell.

Approved December 21, 1821.

WHEREAS it appears to the present general Preamble.
assembly, that the Map of Kentucky, made and
published by the individual enterprize and ex-
pence of Luke Munsell, is of great public benefit,
and by which the author has lost his time and la-
bor, and expended a considerable sum beyond
what the sales of the said map will remunerate ;
and it appearing that he has furnished the state
with one hundred and forty-seven copies thereof,
for the use of the public : Therefore,

Be it enacted by the General Assembly of the Released from
Commonwealth of Kentucky, That if the said Luke payment of
Munsell shall lodge with the secretary of state, balance due to
fifty three other copies of the said map, for the use the state.
of this state, that upon his doing so the secretary
shall pass his receipt to said Munsell for the
same ; whereupon the balance due from said
Munsell and his securities, for a loan advanced
to him by the state, shall be relinquished and re-
mitted ; and the auditor of public accounts shall,
upon the production of the said receipt of the
secretary of state, cancel and deliver up to said
Munsell, or to his order, his bond for the said
loan.

CHAP. CCCXXXIV.

*An ACT authorising certain repairs and improve-
ments to be made to the Government House and
Lot.*

Approved December 21, 1821.

SEC. 1. *BE it enacted by the General Assembly* Keeper of the
of the Commonwealth of Kentucky, That upon the penitentiary to
application of the governor, the keeper of the furnish stone.
penitentiary be, and he is hereby authorised to
prepare, in a neat manner, a sufficient quantity
of stone to cap the wall in front of the govern-
ment house ; and the agent of the penitentiary
shall deliver the same to the order of the gover-
nor.

Governor to
have the wall
completed.

Sec. 2. The governor be, and he is hereby authorised and requested to cause the wall in front of the government house to be completed, and such other necessary repairs to be made about the government house as he may think proper; and upon the accounts for labor and materials being presented to the governor, and approved by him, he shall certify the same to the auditor of public accounts, who shall issue his warrant on the treasurer for the same, who shall pay the same out of any money in the treasury not otherwise appropriated: *Provided, however*, that the money so disbursed shall not exceed one thousand dollars.

CHAP. CCCXXXV.

An ACT for the relief of the Surveyor of Bourbon County.

Approved December 21, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the surveyor of Bourbon county is hereby authorised to issue his fee-bills for services rendered in the year 1815, and fee-bills for all his services up to the present date, which he has failed heretofore to issue, and place the same in officers' hands for collection; and it shall be the duty of officers in whose hands said fee-bills may be placed for collection, to collect the same by distress or otherwise, in the same manner that fee-bills are now collected by law.

CHAP. CCCXXXVI.

An ACT to regulate the time of holding the County Courts of Hickman.

Approved December 21, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky. That the county court of Hickman county shall be held on the fourth Monday in February next, and shall hold its terms on the first Mondays in each month.

thereafter, except those in which the circuit courts are held, any law to the contrary notwithstanding.

CHAP. CCCXXXVII.

An ACT to amend an act entitled "an act concerning Attorneys for the Commonwealth."

Approved December 21, 1921.

WHEREAS it is provided by the provisions of the before recited act, that the annual salary of the attorney appointed under said act shall commence with the first term of the first circuit court in the district to which such attorney is appointed; and whereas it appears that some attorneys who were appointed by said act and the several amendatory acts, have performed important services for the commonwealth, in prosecuting criminals, previous to the sitting of the first term of the circuit court to which they belonged, and after they had accepted and qualified to their commission; and as it is deemed just, that such attorneys should be paid for their services,

Preamble.

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky.* That in all cases where any such attorney may have performed services for the commonwealth, in prosecuting pleas of the commonwealth, after the acceptance of their commission, and previous to their first circuit court, and such service being certified by the justices before whom such services were performed, the auditor shall issue his warrant on the treasurer for such sum as such attorney may be entitled to, estimating the same at the rate of four hundred dollars per annum, from the time such service was performed until the first day of the first circuit term of the court to which he belongs.

Allowed pay
for certain ser-
vices.

Sec. 2. *Be it further enacted.* That hereafter attorneys for the commonwealth shall receive pay from the time of their qualification and entering upon the duties of their office.

When salary
to commence.

CHAP. CCCXXXVIII.

An ACT to amend an act entitled "an act for the better regulation of the Town of Falmouth," approved February 5th, 1817.

Approved December 21, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky, That whenever a vacancy shall happen in the board of trustees for said town, the county court of Pendleton shall, on notice of the same, proceed to fill such vacancy; who may hold said office until others are duly elected.*

SEC. 2. *Be it further enacted, That the qualification, powers and duties of the said trustees shall be the same as heretofore.*

CHAP. CCCXXXIX.

An ACT establishing Inspections of Tobacco and Flour at the Mouth of Sinking Creek.

Approved December 21, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That inspections of tobacco and flour be, and the same are hereby established at the mouth of Sinking creek, in the county of Breckinridge, under the same regulations as inspections of the like kind now are in this commonwealth,

CHAP. CCCXL.

An ACT for the benefit of the Sergeant of the Court of Appeals.

Approved December 21, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the further time of twelve months be given to Richard Taylor, sergeant of the court of appeals, to pay into the treasury the amount of the following executions, which have been collected by a deputy of his, and not accounted for, to wit: In favor of the commonwealth, against Nathan Montgomery;

against Samuel M'Affee, and against Benjamin Letcher: *Provided*, he files with the auditor of public accounts the written statement of his securities, assenting to such indulgence.

CHAP. CCCXLI.

An ACT authorising the Citizens of Trigg County to fix on a place for the permanent Seat of Justice for said County.

Approved December 21, 1821.

WHEREAS it is represented to the present general assembly of the commonwealth of Kentucky, that much dissatisfaction exists amongst the citizens of Trigg county, owing to the location of the seat of justice in said county: For remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the county court of Trigg, at their March term in the year 1822, to appoint two or more of their own body, who shall act as judges, and a clerk, who, with the sheriff of said county, shall be legal officers to manage the election, and shall take the oaths, and be governed by the constitution and law regulating elections in this commonwealth, except as is otherwise provided by this act. And it shall be the duty of said sheriff, at the aforesaid time, to give notice of said election and its objects, by advertisement at the court house door and three other of the most public places in said county. That the said election shall be held on the first Monday in May in the year 1822, and shall be conducted in the form following, to wit: The sheriff, at the time of opening the polls, shall proclaim aloud, that the officers of the election are now ready to receive nominations of such places as may be offered as sites for a permanent seat of justice for said county; which nominations shall be in writing, accompanied with written proposals of donations to the county court of said county, as the proprietor or his agent may think proper, for the purpose of erecting the public buildings, (if

County court of Trigg to appoint judges & a clerk to conduct the election for fixing on the seat of justice of said county.

Mode of conducting said election.

such site should be the choice of a majority of the electors,) and all such proposals shall be as binding as any writing obligatory. And the clerk shall open a column for each place thus put in nomination, and the polls shall be kept open two days; and at the closing of the polls on the second day, the sheriff shall proclaim the state of the polls for all such places, and also which place has the fewest number of votes; which place shall be stricken off the list, and all those who voted for such place thus stricken off, shall have a right to return to the polls and make his second choice. And the judges and sheriff, on receiving all such votes as were given to the place thus stricken off, shall proclaim the state of the polls; and that place having the fewest number of votes, shall be stricken off the list, and all those who voted for the place thus stricken off, shall return to the polls and make another choice; and the said judges and sheriff shall continue to strike off, and those voting for such place stricken off, returning to the polls and voting for such place as may be on the list, until a complete majority be found in favor of one; or if two places should be equal and highest in number, then the sheriff shall determine which shall be the place; and the voters shall possess the same qualifications as electors have in voting for members to the legislature.

Sec. 2. The judges of said election shall make report of the place thus chosen, and of the donations, to the next county court, whose duty it shall be, in case of a removal from Cadiz, (as soon as possible,) to proceed to lay off and establish a town thereon, and erect all necessary public buildings for the said county of Trigg, on a public square laid off for that purpose; and do and perform every other matter in relation thereto, that county courts are by law authorised to do in this state.

Sec. 3. *Be it further enacted,* That in case of a removal of the seat of justice, all county business shall continue to be done at the present seat of justice, until the necessary public buildings shall be in readiness; and at that time, and for.

The judges to make report of the result to county court, who, if a removal is decided on, shall cause public buildings to be erected, &c.

Courts, &c. to be held at Cadiz until buildings are completed.

ever after, that place so chosen shall be the place of holding county and circuit courts, and elections, and in all cases shall be considered the permanent seat of justice for said county of Trigg.

Sec. *Be it further enacted*, That if the said election cannot be completed in two days, the judges shall have power to adjourn from day to day, not exceeding four days in the whole, until a complete majority is found in favor of any one place. Election may continue four days.

CHAP. CCCXLII.

An ACT to restrict the County Courts in laying their Levies and the mode of letting their Public Buildings.

Approved December 21, 1821.

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That hereafter no county court within this commonwealth shall have the power to appropriate or order to be paid out of the funds of, or create any debt or make any contract against the county over which they preside, any sum exceeding one hundred dollars, unless a majority of all the magistrates entitled to a seat at such court shall be present. County courts not authorised to appropriate or create or contract debts against the county exceeding \$100, unless a majority of the justices of the county are present

Sec. 2. *Be it further enacted*, That hereafter it shall not be lawful for any of said county courts, in laying their respective levies, to exceed the sum of one dollar and fifty cents for each taxable person in their said counties; but whenever it may become necessary for said courts to raise a larger sum than will be produced by the annual levy of the sum aforesaid, in one year, they are hereby authorised to levy such sum by instalments, not exceeding the aforesaid rate for any year. Nor to levy more than \$1 & 50 cents on each titheable in their county, in any one year; but when necessary to raise a larger sum, to levy the same in annual instalments, at that rate per year.

Sec. 3. *Be it further enacted*, That whenever any of the county courts aforesaid may desire to erect a public edifice or building for the convenience of their said counties, it shall be their duty to appoint three or more discreet persons, not justices of the peace, commissioners, whose duty it shall be to let the erection of such building The erection of all public county buildings to be let at public auction to the lowest bidder, by commrs. not

members of
the court.
All private con-
tracts & agree-
ments void.

publicly, at auction, to the lowest bidder ; and all private agreements or contracts made by such commissioners, with any individual or individuals, shall be taken, and the same are hereby declared to be utterly void and of no effect.

The comm'rs
to take bond &
security from
the undertak-
er, which may
be sued on for
a breach of the
condition.

Sec. 4. *Be it further enacted*, That in all cases it shall be the duty of the commissioners to take bond, with sufficient security, in the penalty of at least double the amount of the contract, from the undertaker, payable to the county court of such county, conditioned for the true and faithful discharge of the work so undertaken ; which bond shall be lodged in the clerk's office of the county court, upon which, in case of failure, suit may be commenced in the name of the county court of such county, and recovery had as in other cases of covenant broken.

CHAP. CCCXLIII.

An ACT to add a part of Madison County to the County of Rockcastle.

Approved December 21, 1831.

Bounds of the
territory add-

SEC. 1. *BE it enacted by the General Assembly of the Commonwealth of Kentucky*, That all that part of the county of Madison, included in the following bounds, to wit: Beginning at the Rockcastle county line, at the head of Copper creek ; thence running an eastwardly course with the ridge that divides the waters of Paintlick, Silver creek, Roundstone, and the waters of Rockcastle river, to the state road leading from Richmond to the Hazlepatch ; thence with the state road to the Rockcastle county line ; thence with said line to the beginning, shall be added to, and form a part of the county of Rockcastle.

The courts of
Madison to re-
tain jurisdic-
tion of suits
depending, &
officers to ex-
ecute process,
&c.

Sec. 2. *Be it further enacted*, That the judicial tribunals of Madison county shall retain jurisdiction of all causes against the inhabitants within the said boundary, now depending ; and the several officers of Madison county may execute process in their hands, and collect all dues against them, as if this act had not passed.

Sec. 3. The surveyor of Rockcastle county shall run and plainly mark the line between the said counties of Madison and Rockcastle, as directed by this act, and return a plat thereof to the county court of each of said counties; and he shall be paid for said services, out of the county levy of Rockcastle county, at five dollars per day, for the time he may be employed.

The surveyor of Rockcastle to run the division line.
His compensation therefor.

CHAP. CCCXLIV.

An ACT for the divorce of Rebecca Thompson.

Approved December 21, 1821.

WHEREAS it is represented to the present general assembly, that Rebecca Thompson, late Rebecca Jackson, intermarried with Alexander K. Thompson, and that said Thompson is a man of infamous character, and was, in 1819, convicted of felony, in the Fayette circuit court, and sentenced to confinement in the jail and penitentiary of this commonwealth for six years, where he is now confined; and that the situation of said Rebecca, which is now a helpless one, will be relieved by being divorced from said Thompson: Wherefore,

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the marriage between the said Rebecca and the said Alexander K. Thompson, be, and the same is hereby totally dissolved; and that the said Rebecca be restored to all the rights and privileges of a *feme sole*.

CHAP. CCCXLV.

An ACT for the appropriation of Money.

Approved December 21, 1821.

BE it enacted by the General Assembly of the Commonwealth of Kentucky, That the following allowances be made to the persons hereafter mentioned:

To the speaker of the senate and house of The Speakers representatives, four dollars per day, each.

Clerks. To the clerk of the senate and house of representatives, sixty dollars per week, each.

Door-keepers. To the door-keeper of the senate and house of representatives, twenty-one dollars per week, each.

Sergeant-at-arms. To the sergeant-at-arms of the senate and house of representatives, twenty-one dollars per week, each.

Committee clerks. To the clerks of the committees of the senate and house of representatives, twenty-one dollars per week, each.

R. Devine. To Roger Devine, for providing fuel, furnishing water, candles, &c. for the house of representatives, during the present session, eighty-five dollars.

Clerks. To the clerks of the senate and house of representatives, for four days' service, at the rate of sixty dollars per week, in addition to the number which the legislature may be in session; which time will be necessarily employed in completing the Journals, preparing the Acts, and arranging and filing papers.

For stationary. To the clerk of the house of representatives, for stationary furnished, and for printing, as per bill, during the present session, one hundred and seven dollars thirty-seven and one half cents.

Clerk hire. To the clerks of the senate and house of representatives, for clerk hire, twenty-five dollars per week, each, during the present session.

R. Devine. To Roger Devine, for one hundred cords of wood, at two dollars per cord, two hundred dollars.

A. Crockett. To Anthony Crockett, for one hundred cords of wood, at two dollars per cord, two hundred dollars; and for stacking the same, twelve dollars and fifty cents.

J. Crutcher. To John Crutcher, for cutting fuel, furnishing water, candles, &c. for the senate, during the present session, eighty-five dollars.

Bond and Barron. To Bond and Barron, eight dollars and fifty cents, for painting done for the senate and representative chambers, and furnishing glass, as per bill rendered.

J. Rucker. To Joshua Rucker, the sum of forty-nine dollars and seventy-five cents, for materials furnish-

ed and work done in and to the doors of the senate and representative chambers, as per account rendered.

To Regis, (a negro man,) for services rendered the house of representatives the present session, ten dollars. Regis.

To Moses, (a negro man,) for services rendered the senate the present session, ten dollars. Moses.

To Kendall and Russell, public printers, sixteen hundred and twenty seven dollars and nineteen cents, for their services as printers, up to this date, as per account rendered; also, one thousand dollars in advance for the ensuing year. Public printers.

To Roger Devine, sixteen dollars and seventy-five cents, for fire hooks, superintending building chimney and furnishing pulley chord, as per account. R. Devine.

To Hunt and Blanton, one hundred and ninety dollars, for furnishing brick and other materials for building chimney, and fixing stove pipe, as per account rendered. Hunt & Blanton.

To Wight and Ratliff, twenty-six dollars and ninety eight cents, for materials furnished and work done in the state rooms, as per account rendered. Wight & Ratliff.

To Willis A. Lee, as clerk of the general court, for the rent of an office for said court, for the years 1819 and 20, one hundred dollars. Clerk of the general court.

To Amos Kendall, for making an Index to the Laws for the year 1820, fifteen dollars. A Kendall.

To Kendall and Russell, thirty dollars and fifty cents, for stationery and Henderson's Maps furnished the senate, as per account rendered. Kendall and Russell.

To William Wood, for stationery, and binding one hundred copies of the Session Acts of 1818-19; agreeable to the act of last session; also, for folding and stitching bills and reports, as per account rendered, two hundred and seven dollars eighty-seven and one half cents: Also, seven hundred and seventy-five dollars, for binding two thousand copies of the Acts of the present session, and three hundred copies of the Journals, one half to be paid in advance; also, five dollars, for stationery furnished the senate since his account was made out. W. Wood.

R. Devine. To Roger Devine, sixteen dollans and sixty-seven cents, for piling two hundred loads of wood, at six pence per load, ar per account rendered.

J. Smith. To Joseph Smith, sixty one dollars and fifty-six cents, for baize and sundry other articles furnished, as per account rendered.

B Bridges. To Benjamin Bridges, jailer of Jefferson county, for apprehending, guarding and bringing back from the state of Ohio, Andrew Shrodes, William Shrodes and Angus Morrison, fugitives from the justice of this state, upon the charge of murdering a certain William M'Farrin, in the county of Jefferson—said Bridges acting at the instance, and under the authority of the governor of this commonwealth—one hundred and eighty dollars.

S. Lewis. To Sevier Lewis, one hundred dollars, for apprehending and bringing back from the state of Indiana, Elisha English, and deliveriug him to the jailer of Henry county ; said Elisha English having fled from the justice of this state, under a charge of felony, and the apprehension and delivery as aforesaid being at the special instance, and under the authority of the governor of this commonwealth.

Adjutant and quartermaster generals. To the adjutant and quartermaster general, for office rent, fifty dollars each.

J. C Breckinridge. To Joseph C. Breckinridge, seventy five dollars, as a compensation for his services for discharging the duties of commonwealth's attorney, under the authority of the judge of the Fayette circuit court, after the law appointing commonwealth's attorneys had expired, and previous to the revival of the same by the legislature.

R. Devine. To Roger Devine, one dollar and twenty five cents, for a water dipper and cutting stoye-pipe.

J. Butler. To John Butler, of Adair county, thirty three dollars, for thirty three days' services as a commissioner, under the act of last session, to view a way from Danville to the Tennessee state line.

A. Northcut. To Archibald Northcut, of Casey county, and Abraham Miller, of Lincoln county, thirty dollars each, for services rendered by them as commissioners, appointed by an act of the last session,

A. Miller.

to view a road from Danville to the Tennessee line.

To Caleb H. Rickets, sixty-six dollars, for his C. H. Rickets. services as surveyor in running the line from Danville to the Tennessee line, the nearest and best way, and for making out five plats, agreeable to the act of last session.

To Benjamin Workman, of Adair county, as B. Workman. marker for the before mentioned surveyor, for thirty-three days' service, thirty-three dollars.

To James Pruet and James Budle, thirty Pruet & Budle dollars each, for carrying the chain thirty days each, in surveying the before mentioned road.

To the commissioners appointed on the part of Comm'rs to go this state to go to Virginia and to the federal to Virginia & court, to maintain the validity of the occupying federal court: claimant laws, two thousand dollars each.

To Jacob H. Holeman, one hundred dollars, J. H. Holeman. for a weekly paper furnished the legislature during the present session.

To John Colvin, for serving four days as a J. Colvin. guard summoned on behalf of the commonwealth, six dollars.

To Francis Maraman, thirty-six dollars; to F. Maraman. Mortimer D. Roberts, thirty-one dollars seventy-five cents, and to Joseph Huston, thirty one M. D. Roberts. dollars seventy-five cents, for arresting Asa Smith and Henry Younger, accused of perjury J. Huston. and subornation of perjury, and conducting them from the county of Bullitt to the county of Gallatin, for trial.

To the witnesses who attended in behalf of Jo- Witnesses in Simrall's case. seph Simrall, a justice of the peace of Shelby county, the amount of their respective certificates of attendance, as certified by the clerk of the committee raised to inquire into charges against the said justice, at December session 1819.

To Anthony Crockett, eighteen dollars, for A. Crockett. carrying writs of election to Nelson and Pulaski counties.

To Davy Jones, for ringing the bell during Davy Jon the present session, sixteen dollar.

J. Rucker. To Joshua Rucker, fifty-five dollars, for furnishing a tombstone and enclosing the grave of the late Thomas Dollerhide, senator from Pulaski.

C Miles. To Charles Miles, for articles furnished for the use of the senate, twenty dollars.

Sergeant-at-arms of H. R. To the sergeant at-arms of the house of representatives, for summoning witnesses in the case of Judge Mills, and carrying a writ of election to Cumberland county, eighty dollars.

Mrs. Andrews. To Mrs. Andrews, widow of Alexander Andrews, deceased, one hundred dollars, being the sum advanced by him in his lifetime for rebuilding the capitol.

RESOLUTIONS.

A Resolution for the appointment of joint Committees to examine the Public Offices.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That a joint committee of three from the senate and six from the house of representatives, be appointed to examine and report the state of the treasurer's office ; that four from the senate and eight from the house of representatives, be appointed to examine and report the state of the register's office ; that five from the senate and ten from the house of representatives, be appointed to examine and report the state of the auditor's office ; and that six from the senate and twelve from the house of representatives, be appointed to examine and report the state of the penitentiary house.

Resolutions concerning the Post Office Department.

WHEREAS by the late regulations of the post offices in this state, inconvenience is experienced by its citizens ; many of them are denied the privilege of the post office, by requiring of them round specie in payment for postage ; and as the proceeds arising from the postage of letters, received in this state, are paid to carriers of the mail, residents within the state, it is thought right and equitable to regulate the contracts for carrying the mail, that the same may be paid in the currency of the state, thereby to enable the citizens of this commonwealth to avail themselves of the privilege of conveying their letters by mail :

Resolved by the General Assembly of the Commonwealth of Kentucky, That our senators in congress be instructed, and representatives be requested to have the regulation made with the post-office department, if practicable, that the currency of the country shall be received for the postage of letters in this commonwealth.

Resolved, That the governor transmit copies of this resolution to our senators and representatives in congress.

A Resolution for appointing a joint Committee to examine the Bank of Kentucky.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That a committee of four from the senate and nine from the house of representatives, be appointed to examine the Bank of Kentucky, and to report specially the amount of the capital stock of said bank and its branches, distinguishing therein the amount owned by the state, and the amount owned by individuals; also, the amount of debts due the same, by reporting specially the amount due from stockholders, on account of stock, as also the amount loaned them, exclusive of stock, and the amount of stock pledged on loans; the amount due by individuals, not stockholders; the amount of special specie deposits; the amount of notes deposited in their own notes and in the notes of other banks, distinguishing on what banks the notes are thus deposited, and the probable amount of loss by bad debts; the notes in circulation, and the specie in the principal bank and each of its branches; and such other matters and information in relation to the said bank and its branches, as they may deem material; and that they have power to send for persons, papers and records.

A Resolution directing the Laws of Kentucky, Decisions of the Court of Appeals, and Journals of the General Assembly, to be furnished the Transylvania University.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That the secretary of state be directed to furnish, upon the application of the chairman of the board of trustees to the Transylvania University, copies of Littell's edition of the Laws of Kentucky; of Hardin's, Bibb's, and Marshall's Reports; and that he furnish copies of the Session Acts, and Journals of both Houses, from the first session of the legislature down to the present time, if practicable; and that in future, copies of the Session Acts, Decisions of the Court of Appeals hereafter to be published, and Journals, be furnished said institution.

Resolutions in relation to the conduct which ought to be observed by Judges on certain occasions.

AN enquiry having been instituted into the judicial conduct of B. Mills, Esq. one of the judges of the court of appeals, and doubts having been entertained as to the correctness of his course, in many points of vital importance; in order to express the opinion of the legislature thereupon, and to preserve inviolate certain fundamental principles:

1. *Resolved by the Senate and House of Representatives, That no judge ought to sit in, and determine a cause between a corporation, (of which he is a party and has therein an interest,) and any other party.*

2. *Resolved by the Senate and House of Representatives, That no judge of the court of appeals ought to sit in a cause which he has decided below as a circuit judge.*

3. *Resolved by the Senate and House of Representatives. That no judge of the court of appeals ought to interfere in the management of causes below, except in cases wherein his own individual interest is involved.*

4. *Resolved by the Senate and House of Representatives, That in criminal cases, the jury have a right to judge as well of the law as the fact.*

Resolutions appointing joint Committees on the Reports from the Bank of the Commonwealth and Branches.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That joint committees, to be composed of the senators and representatives from the different counties composing the bank district in which the Bank, or any Branch Bank of the commonwealth may be situated, be appointed to take into consideration the report of the president and directors of the Bank of the Commonwealth, and those of the different branch banks accompanying the same, situated in their respective districts; and that they report specially to each branch of the general assembly, whether the paper has been properly distributed among the branches by the directory of the principal bank; whether the different counties have received their due proportion; whether it has been impartially loaned to the different applicants; whether loans have been made to persons notoriously insolvent; whether any persons have either directly or indirectly borrowed larger sums than

authorised by law; what amount of debt may be considered doubtful; and generally, any and every instance of misconduct in the directors, or any one of them, in relation to the management of said institution, and all other matters and things which they may deem material; and said committees have, respectively, power to send for persons, papers and records, for their information.

Resolved. That where a senator may represent part of two bank districts, he shall examine that bank in the district in which he may reside.

Resolutions in relation to a portion of the Public Lands of the United States, as a means of creating a Fund for promoting Education, and to the right of the several States of the Union, to a part of the same for that purpose.

THE committee to whom were referred the communications from the legislatures of the states of Maryland and New Hampshire, ask leave to report:

That the communications submitted to them embrace reports and resolutions thereupon, adopted by the legislatures of those states, and the objects of which are to direct the attention of congress and the legislatures of the several states of the Union, to the national lands, as a source from which appropriations for the purposes of education may with justice be claimed by those states for which no such appropriations have yet been made.

Your committee, highly sensible of the importance of the fact, that the most effectual means of achieving or perpetuating the liberties of any country, is to enlighten the minds of its citizens, by a system of education adapted to the means of the most extensive class of its population; and, alive to any just means within their power for the advancement of this great object, not only within their own state, but alike to all the members of the great political family of which they are a part, and for whose common interest they are thus united, have, with much interest, examined the facts stated, and the arguments used in said reports; and do not hesitate to concur in the opinions therein expressed, that the national lands are strictly a national fund, and in just proportions the property of all the states of the Union; and that, from the extent and nature of the fund, appropriations may with great propriety be extended to all the states of the Union.

It is deemed unnecessary, in a report of this kind, to enter at large into all the arguments that might be used to establish the opinion above expressed. A few of the facts which have presented themselves in the investigation of this subject, are submitted.

It is ascertained, that all the states and territories whose waters fall into the Mississippi, have been amply provided for by the laws of congress relating to the survey and sale of the public lands, except the state of Kentucky. Why those appropriations should have stopped short of Kentucky, your committee are not able to see; especially, when they take into consideration its situation in relation to the other states of the Union, the contest it has maintained in establishing itself, protecting at the same time the western borders of the old states, and extending the more northern and western settlements. Kentucky long stood alone in a forest of almost boundless extent, separated from her parent settlements by extensive ranges of mountains and forests, fit receptacles for her savage enemies, and by which she was cut off from the succor, and almost from the knowledge of her friends; yet, maintaining her stand, and at the same time forming a barrier by which the more eastern states were protected from the common enemy, she has not only established herself, but has also gone forward to the establishment and support of those states and territories which now form the great national domain which is the subject of this report. Notwithstanding many arguments might be used, which would go to prove that Kentucky has claims to appropriations of those lands, without extending the system to all the other states, yet your committee believe that such arguments are not necessary, and that a few facts, here submitted, will prove that those appropriations may be made general, without materially affecting the national revenue.

Relying upon the apparent correctness of the able document before the committee, received from the state of Maryland, it appears that the total amount of literary appropriations, made to the new states and territories, will amount to 14,576,569 acres; that the additional amount required to extend the same system to those states for which no such appropriations have yet been made, would be 9,370,760 acres; that the state of Kentucky, as her part of such appropriation, would be entitled to 1,066,665 acres; and estimating the whole quantity of unsold lands yet owned by the United States at 400,000,000 acres, that the additional amount required to extend the same scale of appropriation to all the

states which have not received any, would not amount to two and a half per cent. upon the landed fund as above.

Relying, therefore, upon the foregoing considerations, as sufficient for their purpose, and believing that the magnanimity of their sister states in the west, will produce an unanimity in the congress of the United States upon this subject, your committee are prepared to close this report, and beg leave to recommend the adoption of the following resolutions:

Resolved by the Senate and House of Representatives of the Commonwealth of Kentucky, That each of the United States has an equal right, in its just proportion, to participate in the benefit of the public lands, the common property of the Union.

Resolved, That the executive of this state be requested, as soon as practicable, to transmit copies of the foregoing report and resolution to the governors of the several states, and to our senators and representatives in congress, with a request that they will lay the same before their respective houses, and use their endeavors to procure the passage of a law to appropriate to the use of the state of Kentucky, for the purposes of education, such a part of the public lands of the United States as may be equitable and just.

A Resolution fixing on a day for the election of a President and Directors of the Bank of the Commonwealth and Branches, a President and Directors of the Bank of Kentucky, and other Officers.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That they will, on Wednesday the twelfth inst. proceed to the election of a treasurer and public printer, a president and directors for the Bank of the Commonwealth of Kentucky and the branches of said bank, also a president and directors of the Bank of Kentucky, and trustees to the Transylvania University.

Resolutions concerning the Occupying Claimant Laws, and the decision of the Supreme Court of the United States thereon.

THE committee to whom was referred that part of the governor's message which relates to the laws concerning oc-

cupying claimants of land, and the late decision of the supreme court of the United States thereon, beg leave to report:

That it appears to your committee, that at the last term of the supreme court of the United States, in the case of *John Green*, plaintiff, against *Richard Biddle*, defendant, an opinion was pronounced by the said court, in which the acts of this commonwealth, passed on the 27th day of February 1797, and of the 31st day of January 1812, concerning occupying claimants of land, are declared to be unconstitutional and void, upon the ground, that the said acts are violations of the 7th article of the compact between this state and the state of Virginia, that compact being a part of the constitution of Kentucky.

These laws have long since received the sanction of the highest judicial tribunals of this commonwealth, and have governed the proceedings of the superior courts in all cases coming within their provisions. They have become the rule and basis of numerous contracts and compromises, and in faith of which the lands of the state have been improved and cultivated.—Virginia has not complained of them as violations of the compact; but, on the contrary, has long acquiesced in their enforcement.

Your committee have ascertained, that no counsel appeared in the supreme court for Biddle, or in support of the laws in question; and they have good reason to believe, from information received, that Biddle had no interest in the case; that it had been long before settled between the parties; and that Biddle purchased the land in controversy some years before the argument of this case in the supreme court. The committee are satisfied, that the parties have no interest in the case decided, and that the object of those concerned in its prosecution and management, was to obtain from the court a decision against the validity of those laws.

This opinion of the court has been suspended until the next term, for further consideration and argument. It will, if confirmed, not only implicate the character of the state, in having violated her solemn engagements with the parent state, but must deeply affect a large portion of our most meritorious citizens.

Your committee are aware of the delicacy and caution with which the decisions of the judicial tribunals should be questioned by the legislature, especially in cases involving the rights of individuals. They feel, however, in a great degree relieved from any embarrassment on this point, from a con-

viction of the fact, that the case of Green and Biddle, if not in its origin, is at this time not a real, but fictitious one.

The people of the several states, and of the United States, have distributed the powers of government among different departments or bodies of magistracy; and their faithful and harmonious co operation is essential to the peace, safety and freedom of the people. They mutually check and aid each other. Mutual forbearance and respect are necessary and proper. Allowances are to be made for those ordinary errors which are incident to men in every situation. Neither department should question or arrest the acts of another, for slight causes. But forbearance and acquiescence have their limits. If the legislature pass an act clearly unconstitutional, and the case ought to be a clear one, the judiciary may refuse to carry it into effect. The people have not made the judges a board of censors, to correct legislative folly and error, but to secure to the citizens a fair and impartial administration of justice, according to the laws. It is equally the duty of the legislature and the judges, to regard the constitution. Those selected by the people to exercise legislative power, are bound to keep within the pale of the constitution, and are responsible to the people for a violation. They must construe the constitution according to their best judgments; and after they have given a construction, and passed a law, the case ought to be a strong one, to authorise the court to defeat its operation. And if the judiciary should transcend its legitimate limits, and impair the prerogatives of the legislature, on subjects of vital importance, it will be the duty of the legislature to interfere. Mutual forbearance preserves harmony; and cautious, discreet resistance is necessary to keep each department within its proper sphere of action.

On a question of such vital importance to the good people of this commonwealth, your committee deem it the duty of the legislature to maintain the validity of their laws, in a manner respectful to the supreme court of the nation, and regardful of the dignity of the state and interests of the people.

Your committee, after the most mature consideration, are unanimously of opinion, that the acts of 1797 and 1812, concerning occupying claimants of land, are constitutional and valid, and founded in justice and sound policy. The committee have thought it their duty to examine, in a concise manner, the principles and reasoning of the court, in the opinion referred to, and the justice and policy of the laws.

The 7th article of the compact, which is relied on by the court, is in the following words: "That all private rights

and interests of land within the said district, derived from the laws of Virginia prior to such separation, shall remain valid and secure under the laws of the proposed state, and shall be determined by the laws now existing in this state."

The court, in their opinion, say, that if the only intent of this article was to preserve to claimants of land a determination of their titles by the laws under which they were acquired, it is a mere nullity; because, they say, by the general principles of law, titles to real estate can be determined only by the laws of the state under which they were derived; and that a title good by those laws, cannot be disregarded, but by a departure from the first principles of justice.—They therefore suppose the words *rights and interests of lands*, mean more, or something else, than they fairly import or ever have been understood to imply.

The position assumed by the court, that every civilized nation ought to regard justice, will not be controverted. The only inference drawn from it by the court, is, that as Virginia must have presumed that Kentucky would have regarded justice, the stipulation was unnecessary. However this sort of confidence may regulate the conduct of friends and acquaintances in private life, it does not seem to have been entirely relied on by independent nations, in their compacts with each other. It is believed, that in most treaties of cession between them, the ceding party has not trusted exclusively to the influence of the general principles of justice, but has required an express stipulation in favor of the people of the ceded territory. The 3d article of the treaty between the United States and France, by which the latter ceded the territory of Louisiana to the former furnishes an example of this kind. It is done from abundant caution, and to impose higher and more definite obligations than are to be found in the moral code.

Such, in fact, were no doubt the considerations which induced Virginia to insert the 7th article. The plain and common sense meaning of it, as it has been understood by the parties and the people generally, is, that the private rights and interests of land derived from the laws of Virginia, should be valid and secure under Kentucky; and that the laws of Virginia were to furnish the rule for the decision of those rights and interests. Such has been the construction given to this article of the compact, by the courts here; and the opinion and reasoning of our court of appeals on the constitutionality of our occupying claimant laws, in the case of Fow-

ler against Halbert, reported in the 4th volume of Bibb's Reports, is believed to be correct and unanswerable.

To use the language of the supreme court, "it would be a mockery of common sense and the principles of equal justice, to suppose, that this article was intended not only to guarantee the rights of claimants under the laws of Virginia, but to exempt them from the obligations, burdens and municipal regulations to which all other claimants were liable. The principle of equal justice has been strictly observed, and our laws operate on all, as well those who claim under the laws of Virginia, as those who derive titles under the laws of Kentucky; and if the welfare and policy of the state, required their passage, no class of claimants have any just ground of complaint. Of that policy, it was the exclusive prerogative of Kentucky to judge; nor can the owner of property within her jurisdiction and under her protection, rightfully claim an exemption from its operation.

That Virginia had, in this compact, an eye to the principle of equality, and nothing more, is evident from the 8th article, in which she stipulated for an equality of taxation; for it yielded an equivalent, by reciprocating that equality in regard to the lands of Kentuckians situate in Virginia. The last branch of this article is more conclusive on the subject, by which it is expressly stipulated, "that a neglect of cultivation or improvement of any land within either the proposed state or this commonwealth, belonging to non-residents, citizens of the other, shall not subject such non residents to forfeiture or other penalty, within the term of six years after the admission of said state into the federal Union."—Virginia was aware of the quantity of unsettled lands in Kentucky, and of the necessity and policy of having them settled. She was aware also, of the power of Kentucky to coerce their improvement and cultivation, and stipulates for her citizens, an exemption from it for the term of six years only; and yet the supreme court imply, in the 7th article, a perpetual exemption.

Your committee would here beg leave to state, that it is one of the best settled rules of construction known to jurists, "that every special limitation upon the general and common laws and rights of a people, is to be construed strictly;" and in no case ought that rule to be applied with more rigor, than to a limitation in derogation of the general powers and sovereignty of a government.

This general view would seem to be sufficient to silence all doubt as to the true intent and meaning of the 7th article

of the compact ; but it may be proper to examine the literal import of the words upon which the court rely. They seem to place much stress on the omission of the word *title*, in the compact, and to draw a distinction between the meaning of the words *rights and interests*, and *titles* ; but your committee cannot perceive the force of the argument, or the effect of the distinction attempted by the court. The words, *rights and interests*, as used in the compact, admit of no ambiguity. The word, *right*, in the language of jurists, means a good or perfect title—in the compact it means, that kind of right or title which is derived from the laws of Virginia. The word, *interest*, when applied to land, is generally understood to import an inchoate, imperfect, or partial right. The land laws of Virginia ought to furnish the best exposition in relation to the sense in which it should be understood in the compact. The word, *right*, is applied in the land law to both imperfect and complete title. Settlement rights and pre-emption rights, are mentioned ; and in the provision respecting caveats, the word, *right*, is used in reference to a title by entry or patent, because either will authorise a caveat. The words, *right and title*, in common parlance, in statutes and law writers, are often used as synonymous terms. There are various gradations of title ; but in strictness a man cannot be said to have a right to property, who has not a good title ; and the omission of the word *title*, will not authorize the conclusion drawn by the court. There is no foundation for supposing that the parties to the compact meant, by *rights and interests*, any thing different and distinct from the titles.

A retrospect of the condition of things at the period of our separation from Virginia, will, it is believed, explain very satisfactorily, the true meaning of the words, *rights and interests*, as used in the 7th article of the compact.

Under the laws of Virginia, lands were appropriated by entries with the surveyor, upon warrants previously purchased from the land office. A great part of the lands located by entry, had not been carried into grant. The compact, or rather the law of Virginia, containing the terms and conditions of separation, bears date on the 18th day of September, 1789. By the 9th article, the holders of treasury warrants were secured the right of locating them until the first day of September, 1792 ; and by the 18th article, the right to locate military warrants, was secured until the first day of May, in the same year. Upon the erection of Kentucky into an independent state, the sovereignty of Virginia ceased within the limits of Kentucky, and the owners of any right or inter-

ests of land, whether by warrant, entry or survey, had to look to Kentucky for a consummation of their titles; and it was certainly proper and prudent in Virginia, to require an express stipulation in their favor, and for preserving to all claimants under her, a determination according to her laws.

That the compact is susceptible of no other construction than the one given by the legislature and courts of this commonwealth, and has no reference to the rule of compensation for improvements, is very evident to your committee. Nor is it probable, that Virginia would have required a perpetual exemption of land acquired under her laws, from the operation of those rules of justice and policy, which it is incident to sovereignty to impose. Such a requisition would have been inconsistent with that magnanimous and liberal policy, which has ever distinguished her. It is equally incompatible with the principles of our federal association. To each state is guaranteed, a republican form of government, and each ought to have an equal share of sovereignty. It is proper here to mention, that Kentucky was conquered from the savages by the enterprize and valor of the early settlers. She was a part of Virginia—shared with her the toils, dangers and burdens of the revolutionary contest; and is it to be believed, that this great state would have been willing to make her a member of the Union, deprived of that portion of her sovereignty contemplated by the court?—The claims of Virginia are moderate. She recognizes the power of Kentucky to coerce the improvement of her lands; and only asks her to suspend a rigid policy for six years. It is clear, that if Virginia had power to pass an occupying claimant law, Kentucky has an equal right. If the 7th article is considered a contract on the part of Kentucky, for the security of claimants under Virginia, what is the effect of this contract? Is it different in its nature and character, or does it impose higher or more sacred obligations, than that which every government makes with those to whom she sells and grants land? A patent from a state or the general government, is a contract which the government can neither revoke nor impair, according to the decision of the supreme court of the United States, in the case of *Peck vs Fletcher*, involving the validity of the laws of Georgia, nullifying the Yazoo grants. A patent is a contract for title, so far as the grantor has it, and for all that use and enjoyment which is incident to the ownership of property subject always to those burdens and that policy, which the welfare of the government which protects it, may impose. The compact with Virginia and the

compact with every patentee, are in effect the same; and the opinion and reasoning of the supreme court, if confirmed and acquiesced in, would prevent any state from passing an occupying claimant law. Our laws, when applied to titles derived from Kentucky, impair the obligation of contracts, and are unconstitutional, if the opinion of the supreme court be correct. According to the principle assumed by the court, every law which in its consequences, narrows the rights or diminishes the beneficial interest of the owner, is unconstitutional. If this be true, the law of Kentucky subjecting lands to the payment of debts, as to lands acquired under Virginia, the laws of the several states imposing taxes, and all laws concerning the improvement of waste lands, are unconstitutional. Every law for continuing the time for surveying entries, and changing the laws for the limitation of actions, as well as the laws forfeiting the lands of those who do not list them for taxation, are unconstitutional, if no law can be passed affecting or burdening lands, but what existed in Virginia, at the time of the separation. The farmer who pays a county levy, or works on a public road, may say with the same propriety, that the laws making such requisitions are void, because they diminish the income and beneficial interest of his estate, and thereby impair that contract for its enjoyment, which is implied in every grant from the government.—It should be remembered, that every citizen of a social community, is identified with its general welfare, and whatever burdens that demand, may be rightfully imposed, unless interdicted by some constitutional limitation of power. The doctrine of the supreme court would favor, indeed, the speculators in lands in the new states and territories; but how far it comports with the prosperity of those states, deserves consideration.

Land, and the labor bestowed on it, are the chief source of the wealth and strength of an agricultural country. According to the laws of nature and nature's God, the land was intended for man's use and sustenance. The proper intent and end for which ownership is given, is, that it may be appropriated for habitations, cultivation and useful improvements. Society is interested in agricultural industry, and it is going too far to say, that men may hold large tracts of waste and uncultivated territory, and deny to the government the power, by taxation or other measures, to induce them to sell or improve it.—It is man's duty to cultivate, and it is the duty of government to stimulate and protect the improvement and cultivation of a country by just and salutary laws. Upon what other ground can it be contended, that the wandering

savages should yield their territory to the culture of civilized man!

What is called the compact with Virginia, is not properly a contract or agreement between two states, as contemplated by the second section of the 10th article of the constitution of the United States. Kentucky was a part of Virginia at the date of this compact, and had no separate political existence. The instrument called a compact, was an act passed by Virginia, proposing the terms and conditions upon which Kentucky might become an independent state, and the people of Kentucky, while a part of Virginia consented to the terms. The people of Kentucky were permitted to form a constitution, and under that constitution admitted into the Union. Kentucky, in compliance with the terms of separation, made them a part of her constitution, & in no other way did Congress assent to the compact, than by accepting the constitution. Unconnected with, and independent of this constitution, no compact exists. The articles of this compact being incorporated into our constitution, are so many restrictions upon the legislative power. The court with propriety, treat it as a part of our constitution, and not as a contract between two states. They do not consider our laws as violations of that part of the federal constitution which declares, that no state shall pass any law impairing the obligation of contracts; but as violations of our own constitution, the compact being part of it.

This leads to the enquiry, whether it is competent or proper, for the national tribunals to contravene the exposition of a state constitution, as given by the legislative and judicial authorities of such state. In the case of *Colder and wife against Bull and wife*, involving the constitutionality of a law of Connecticut, Mr. Chase, one of the judges of the supreme court of the United States, says, he is fully satisfied, that the federal court has no jurisdiction to determine that any law of any state, contrary to the constitution of such state, is void. I should think, says he, that the courts of Connecticut are the proper tribunals to decide.—In this opinion your committee concur. They consider the exercise of such a power by the national tribunals, inconsistent with the harmony of our government, and the principles of our political association, as well as those rules of respect and courtesy observed among civilized nations.

To preserve harmony and uniformity, Congress has given to the national courts a revising power over the state judiciary, on questions of a national character; but with regard to ca-

ses arising under the constitution and laws of a state, no such power is delegated; and is there not the same necessity for harmony and uniformity in the states, on state subjects? Suppose a case brought into one of the federal courts, depending upon the laws of a foreign country—would not the court decide according to the laws as expounded by the constituted authorities of that country? Would not such a course be demanded by justice, propriety and the courtesy due from the tribunals one nation to those of another? Would an American court contravene the exposition of the Spanish constitution, as furnished by the Cortes and judicial tribunals of Spain? And is less respect and courtesy due to the constituted authorities of an American state? When it is considered, that the states of this Union have the same forms of government, based on the same principles of liberty and equal justice, bound together by political ties and a common feeling and interest, and when in addition to this, we attend to the true spirit and intent of the first section of the 4th article of the federal constitution, which declares, that full faith and credit shall be given in each state, to the public acts, records and judicial proceeding of every other state, it seems to your committee, that the claims of the constituted authorities of a state, to the respect and consideration of our national courts, are higher than those of a foreign country. If the federal courts can indirectly and collaterally reverse or disregard the decisions of the legislature and courts over which they have no direct reversing power, the most serious consequences are to be apprehended. There will be two rules of property and justice in every state, and the collisions and confusion which must follow, will probably ultimate in a surrender of the state governments, or a dismemberment of the American republic.

Your committee will now examine briefly the nature and character of the claim to compensation for improvements, secured to the occupant by the laws in question, and vindicate their justice and policy. The obligation of the proprietor to pay for ameliorations of his estate, by a bonafide possessor, does not depend on the source from which his title is derived; it is surely an obligation incident to the ownership of property innocently improved by the labor of another, and has no relation to the origin of the title. It is founded on the principles of justice and policy common to the civilized world. Every class of citizens derive support and sustenance from agricultural industry, and therefore, every wise government has favored and protected the honest cultivator of the soil.

That the bona fide possessor is entitled to compensation for improvements made before notice of a better title, is recognized by the English and American courts and those of Virginia, both before and since the separation of this from that state. The act of 1797, is not materially variant from the rule adopted in courts of equity. The provision allowing the occupant for improvements made after notice, equal to the rents, was intended to encourage the improvement of a new country, and must be deemed beneficial rather than injurious to the owner.—Without such a provision, the improvement of a large portion of our lands, must have been suspended during the tedious controversies in which they were involved. The act of 1812, differs from that of 1797, in only two points worthy of notice. It gives to the occupant a lien on the possession of the land until paid or secured to be paid, the value of his improvements. This cannot be complained of, considering the residence and circumstances of many of the successful claimants, whose names are often used without any beneficial interest in the suits. If the claim to compensation be well founded, the power of the legislature to give the lien cannot be questioned on constitutional ground. This act differs also from that of 1797, in this, that the occupant is freed from any charge from rents, before notice by judgment or decree, of a better title.

These laws combine the chancery rule with that policy which a new country and peculiar circumstances required. In considering the occupant a *bona fide* possessor, until notified, by a court of competent jurisdiction, of a better title, the legislature have acted in the spirit of the principle of equity. Instead of leaving the settlers to the arbitrary discretion of courts, it was necessary, by legislative act, to regulate and apply the rule of compensation and rents to the peculiar state of titles in this country. Notice of a better title, has generally been held to convert a *bona fide*, into a *mala fide* possessor; because, in general, he might, by reasonable diligence and enquiry, ascertain, with tolerable certainty, the nature and validity of the adverse claim. But this reason will not hold good in Kentucky, in relation to conflicting titles derived from the land laws. It will only be necessary to look at the actual condition of things, and the manner in which lands were appropriated here, to be convinced of the propriety of the change made by the act of 1812. The land warrants sold by Virginia, were located with the surveyor, without any previous survey or reference to marked boundaries; and the validity and position of these claims depended on rules of con-

struction to be settled by the courts, without previous land marks to guide them, and on the proof of witnesses greatly dispersed. Owing to the uncertainties growing out of this mode of appropriation, the confliction of claims was unexampled—several patents frequently covering the same land.

Instead of forfeiting the claims of those who were unwilling to hazard their labor and money in clearing the forests, under doubtful titles, Kentucky pursued the milder policy of imposing on the dormant and negligent claimants, an obligation to compensate the improver under a conflicting title. There is uncertainty in titles every where ; none can be absolutely relied on ; but the uncertainty here was peculiar. Most of the claimants who settled their lands, expected to hold them, and could only be undeceived by a legal adjudication. And in the language of Lord Kame, "sad would be the condition of landholders, were they liable, forty years back, for rents which they believed to be their own, and which, without scruple, they bestowed on procuring the necessaries and conveniences of life."

The act of 1812, relative to rents and improvements, does not introduce a new principle ; but applies and adapts an old principle to a new and peculiar class of cases. Independent of the general power of government in relation to the improvement and cultivation of their lands, your committee believe the rules for settling rents and improvements between contending claimants, is a subject of domestic policy and municipal regulation ; that it is the province of the legislature to prescribe the rules of property, contracts and conduct, and that it is the duty of the courts to regard them ; and that it does not belong to the judicial department, to make the rule and adjudicate upon it.

Much of the reasoning of the court is predicated upon the possible hardships and consequential inconveniences which may result from the operation of our laws ; and if it be sound, there is an end to legislation. It would seem, indeed, from this opinion, that Virginia intended, by the terms and conditions of our separation, to form those landholders who could trace their titles to her laws, into a select, independent corps, free from the burdens and operations of this government.

It may be proper to notice another part of this opinion. The court say, if the legislature of Kentucky had declared that the owners of lands should not recover them, without paying a moiety, or the whole of their value, or that they should sell at one half or one third of their value, such laws would be unconstitutional. These suppositions of the court,

are, in the opinion of your committee, strained, and such as ought not to be indulged in. The cases supposed, do not prove any thing on the question before the court. Would it be a fair argument in this legislature, to say, that the court have done wrong, because they might do so? Can one department act upon the supposition of an abuse of power by another? The people, in convention, to guard against the possible abuse of power, with regard to certain cardinal principles, have imposed restrictions on legislative power; but the different departments of government ought to act on the presumption that each will do its duty. The question before the court, was not whether Kentucky might or might not abuse power, but whether she had exceeded her powers.

Upon a deliberate consideration of the whole subject, your committee are satisfied, that the opinion of the supreme court was the result of an *ex parte* and mistaken view of the principles and justice of our laws, and the true intent and meaning of the compact: and the high respect your committee entertain for that enlightened and dignified tribunal, induces a strong confidence, that upon an unprejudiced review, having an eye to the real circumstances of this country, which produced the laws in question, they will change that opinion. The magnitude of the question, and its consequences, demand, in the opinion of your committee, the interference of the general assembly; and they submit to the consideration of the house, the following resolutions:

1. *Resolved by the General Assembly of the Commonwealth of Kentucky*, That they consider an adjudication that the laws in question are void, as incompatible with the constitutional powers of this state, and highly injurious to the best interests of the people; and therefore do, in the name of the Commonwealth of Kentucky, and of the good people thereof, solemnly remonstrate and protest against any such adjudication.

2. *Resolved*, That the governor of this commonwealth be requested to transmit copies of the foregoing report and resolution, to each of our senators and representatives in congress.

3. *Resolved*, That two commissioners be appointed on the part of this commonwealth, who shall have full power and authority, jointly and severally; if they shall deem it necessary or expedient, to repair to the City of Richmond in Virginia, and open a communication with that government, concerning the meaning and execution of the compact between this and that state; to obtain, if practicable, from Virginia, a declaration of her satisfaction with the construction and per-

formance of said compact on the part of this commonwealth; and, if such declaration cannot be obtained, to invite a discussion of her objections, and with a view to a final adjustment, to co-operate with Virginia in constituting a board of commissioners, as provided for in the twelfth article of the compact.

4. That the said commissioners be requested to attend the supreme court of the United States, at the next term, and oppose any decision that may be attempted to be procured from the supreme court, that those laws are void, in such manner as they may deem most respectful to that tribunal, and most consistent with the dignity of this state.

5. *Resolved*. That the election of the two commissioners contemplated by the foregoing resolutions, shall be by a joint vote of both houses.

A Resolution fixing a day for the appointment of Commissioners, agreeably to resolutions concerning the Occupying Claimant Laws.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That they will, on the 18th instant, by joint vote, appoint two commissioners, agreeably to "resolutions concerning the occupying claimant laws, and the decision of the supreme court of the United States thereon."

Resolutions concerning the Bank of Kentucky and the Bank of the Commonwealth of Kentucky.

1. **RESOLVED** by the General Assembly of the Commonwealth of Kentucky, That the Bank of Kentucky ought to be permitted, and ought to receive real property mortgaged to them, at a reasonable price, in discharge of debts, in all cases where the principal debtor has no other means of payment.

2. *Resolved*. That the Bank of Kentucky ought to give credit and currency to the paper of the Bank of the Commonwealth, by receiving it in payment of debts, and re-issuing it in moderate loans to the people.

3. *Resolved*, That the Bank of the Commonwealth ought, without delay, to lend the balance of the three millions authorised by the act establishing the said bank.

4. *Resolved*, That the Commonwealth's Bank ought to continue moderate calls on its debtors; and that after the first day of August next, the paper of said bank ought to be gradually diminished, at the rate of at least twelve per centum per annum, and retained in the bank, until the said bank shall commence paying specie for its notes;

5. *Resolved*, That the branches of the Bank of Kentucky ought to receive and re loan the paper of the Bank of the Commonwealth of Kentucky, upon the same terms and conditions that may be adopted and pursued at any time by the principal bank; and in case of failure or refusal by any branch to do so, it shall be the duty of the directory of said principal bank, forthwith to withdraw such branch; and upon such withdrawal, to transfer the books, notes, accounts and effects thereof to the branch nearest that which is withdrawn.

Resolutions having for their object the preservation of harmony between this State and the adjoining non-slaveholding States.

WHEREAS many cases have occurred, in relation to slaves who have escaped from their owners in this state, and have been found in the adjoining states which do not hold slaves, calculated to disturb that harmony which it is the interest of the citizens of those states and of this commonwealth to cultivate and preserve towards each other; and it is the wish of the legislature of this state, to use every means in its power to prevent the recurrence of such cases in future; and it is deemed practicable by a revision of the laws in this state in relation to slaves, and of the laws of the adjoining non-slaveholding states in relation to the people of colour, and to slaves who may come among them, escaping from their owners, so to frame the laws of the respective states, as will, in a great degree, if not entirely, obviate the inconveniences which now exist: Wherefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That the governor of this state be requested to correspond with the governors of the adjoining states of Ohio, Indiana and Illinois, inviting their attention to this subject, and through them, the legislatures of those states, with a request that they will authorise the appointment of one or two commissioners from each state, to meet such commissioner or commissioners as shall be appointed on the part of this state,

at such place as may be agreed upon; to bring with them copies of all the laws in force in their respective states, relating to, or affecting the rights, interests or duties of free people of colour, of slaves, and of slaveholders; to the end that the said commissioners, after examining those laws, and duly considering the subject, and consulting together, may mutually agree upon, and recommend such laws on those subjects, applicable to the condition of the different states, as in their judgments will best conduce to the private rights of citizens, and to that peace and harmony which it is so eminently the interest and duty of these states to preserve toward each other.

Resolved, That the governor be authorised to appoint two fit persons on the part of this state, for the purposes aforesaid, so soon as he may be informed by the executives of one or more of said states that they have appointed commissioners on their part.

Resolutions for printing the Laws and Journals.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That two thousand copies of the Laws, and three hundred copies of the Journals of the present session of the legislature, be printed by the public printers, and bound by William Wood, and be delivered to the secretary of state for distribution, half bound, with leather backs and corners, neatly lettered and rolled; and that after supplying each member of the legislature with a copy of the Journals of each House, and the clerks of the senate and house of representatives, the remaining copies shall be retained in the secretary's office, subject to be called for from time to time as they may be wanted for the use of subsequent legislatures.

Resolved, That the public printers be, and they are hereby required to publish a general fee bill, as an appendage to the acts and resolutions of the present general assembly; which fee bill shall contain all such fees of office, and salaries of the public officers, as are now in force in this commonwealth; and that Mr. Jacob Swigert be requested to furnish the same.

Resolved, That the governor be requested to employ some suitable person to distribute said Laws and Journals.

A Resolution for the erection of Tombstones in memory of the late Governors of Kentucky.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That a tombstone be erected to the memory of General Charles Scott, a hero of the revolution; one to the memory of Colonel Christopher Greenup, and one to the memory of Major George Madison, late governors of Kentucky, with suitable inscriptions on each; and that they be furnished by the keeper of the penitentiary, and that the same be placed over the respective graves, under the direction of the governor.

A Resolution for the exchange of Maps with other States.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That the governor of this state be authorised to open a correspondence with the executives of our sister states, on the subject of an interchange of Maps of their respective states.

A Resolution relative to the South American Patriots.

RESOLVED by the General Assembly of the Commonwealth of Kentucky, That they view with great pleasure the success of the South American Patriots, and approve highly of the magnanimous efforts of the members in congress who advocated the outfit of a minister to Buenos Ayres, which in fact would have been an acknowledgment on the part of the United States, of the liberty of a great continent.

APPENDIX.

SALARIES.

The Governor,	\$ 2,000
Secretary of State,	1,090
Auditor of Public Accounts,	2,000
Register of the Land Office,	2,000
Treasurer,	1,200
Judges of the Court of Appeals, each,	1,500
Circuit Judges,	1,200
Attorney General,	400
Attorneys for the Commonwealth,	400
Keeper of the Penitentiary,	500
And five per centum on the amount of all articles manufactured in the penitentiary and actually sold.	
Assistant Keeper,	375
Agent,	400
And two and a half per centum on the money paid by him into the treasury.	
Adjutant General,	150
Quartermaster General,	150
Keeper of the State House,	100
Each per annum, and payable out of the treasury quarterly.	

OFFICERS' FEES.

AUDITOR.

D. C.

For giving a certificate to a person who may redeem lands sold for taxes.

50

REGISTER.

For receiving a plat and certificate, recording the same, and issuing the grant, where the survey does not exceed four hundred acres,

1 100

	D. C.
For every hundred acres exceeding four hundred, included in the same,	12½
Entering a caveat, or for a copy thereof,	25
For a copy of any grant or patent of land,	48
A search for any thing, and for reading the same, if a copy be not required,	12½
A copy of a plat and certificate,	25
A copy of a warrant, with the assignments thereon,	17
Copy of a warrant,	12½
For receiving every relinquishment, or a copy thereof,	17
For recording every power or letter of attorney, on which such act of relinquishment may be founded.	50
For attending sales of non residents' lands; four and a half per cent on all moneys received.	
For issuing a new land warrant for a deficiency on a warrant partially satisfied,	25

SURVEYORS.

For every original survey by him plainly bounded as the law directs, and for a plat of such survey, upon the delivery of such plat, where the survey shall not exceed four hundred acres,	\$ 50
For every hundred acres contained in one survey, more than four hundred acres,	25
Surveying a lot in town,	50
And where the surveyor shall be stopped or hindered from finishing a survey by him begun, to be paid by the party who required the survey to be made,	2 50
For running a dividing line,	2
For surveying an acre of land for a mill.	2
For every survey of land formerly patented, and which shall be required to be surveyed, and for a plat thereof delivered as aforesaid, the same fee as for land not before surveyed. And where a survey shall be made of any lands which are to be added to other lands in an inclusive patent, the surveyor shall not be paid a second fee for the land first surveyed, but shall only receive what the survey of the additional land shall amount to. And where any surveys shall have been actually made of several parcels of land adjoining, and several plats delivered, if the party shall desire an inclusive plat thereof, the surveyor shall make out such plat, and shall receive for every survey therein included,	25

For running a dividing line between any counties, to be paid by the new county, and run by the surveyor thereof, if ten miles or under, when reduced to a straight line,	10.41
And for every mile above ten from the beginning,	31
For receiving a warrant of survey, and giving a receipt therefor,	17
For recording a certificate from the commissioners of any district, of a claim to land allowed by them, to be paid by the claimant,	17
For making an entry for land, or for a copy thereof,	17
For a copy of a plat of land and the certificate of survey,	25
Every surveyor shall be entitled, for every connected plat he shall originally make out, with notes of reference, to	1
And for each plat therein contained, over and above his services performed on the ground,	9
And each surveyor shall record, in a book to be by him kept for that purpose, all connexions of surveys he shall officially make out; and for a copy of any connected plat, from the records in his office, with notes of reference thereon, where the number of plats shall not exceed four, he shall be entitled, for each plat, to	25
And for each plat therein contained exceeding four, he shall be entitled to	4
For surveys or connexions under orders of court, to wit:	
For every three poles actually run,	1
For every single plat he shall make out from his own field notes taken on the ground, or from any field notes which may be produced to him by either of the parties, and calculating the contents thereof, together with certificates of survey annexed thereto,	1
For each additional plat laid down by him from any field notes, or from the records, with notes of reference thereto,	9
For every additional copy of such connected plat required by the court, with certificate of survey and notes of reference annexed thereto, where there is not more than one interference,	50
For every other plat in the said copy, interfering therewith, and notes of reference,	9

For recording power of attorney on which an act of relinquishment may be founded,	D. C. 50
For processioning land, per day,	2
For each plat, or connected plat thereof,	25
For making an entry of land, and giving a certified copy,	12½

CLERK OF THE COURT OF APPEALS.

For every writ of <i>dedimus potestatem</i> ,	37½
Taking bond on issuing <i>supersedeas</i> ,	43
Entering the appearance of either party, in person or by attorney,	16
Every rule entered on the rule docket,	16
A copy of every rule,	16
Entering every continuance on the court docket,	25
Administering an oath or affirmation in court,	16
For entering every judgment,	25
A copy thereof,	16
For entering every decree,	50
Copy of the same, for every twenty words,	2
Filing the record upon an appeal, writ of error or <i>supersedeas</i> ,	25
Copy of such record, for every twenty words,	1½
Taxing the costs in any action or suit, and a copy thereof,	35
Every order to a witness for attendance, to be charg- ed to the party against whom such order goes,	16
A copy thereof,	16
An attachment thereon,	16
Every order in court,	25
Recording a deed, where one tract of land only is con- veyed, taking the acknowledgment or proof there- of, and certifying the same,	1
And for every tract more than one contained in such deed,	25
Recording each certificate annexed to, or endorsed on such deed, when offered to be recorded,	16
A copy of any deed, three-fourths of the fee for re- cording the same.	
Recording a deed concerning slaves, or personal mat- ters only.	1
A copy thereof,	75
Recording a letter of attorney,	75
Copy thereof,	50

Recording a bond, with condition other than for the performance of covenants,	75
A copy of a bond with condition,	50
A search for any thing above one year's standing, and reading the same or any part thereof, if required,	16
Docketting any cause, to be charged but once,	16
Every other service of the clerk of the court of appeals, a reasonable compensation shall be made by the party, to be determined by the court of appeals, according to the nature and equity of the case, having regard to the fees herein allowed.	
For the examination of any person desirous of obtaining a certificate of qualification for the office of clerk to any court, and certifying the same, if required, to be charged but once,	4
On the 23d October 1799, the court of appeals, by an order, allowed the clerk to make the following charges, to wit :	
For filing errors, or for a copy thereof,	35
Filing the record upon the return of a <i>certiorari</i> ,	25
Entering the return of a supersedeas, writ of error, <i>certiorari</i> , summons or execution,	28
Recording a recital of a former grant or conveyance of land, &c. in any deed contained,	75
Recording or copying a receipt,	16
Recording a certificate endorsed on, or annexed to any instrument of writing when offered to be recorded, or for a copy thereof,	16
Entering every plea, or for a copy thereof,	28
Entering the sheriff's return on any writ or precept, or for a copy thereof,	28
Swearing a jury in any cause or suit,	75
Recording any verdict of a jury, or matter agreed upon by the parties, for every twenty words therein contained,	2
A copy of an execution and return thereon,	37½
Recording the award of auditors, arbitrators, viewers, or report of commissioners, &c. or for a copy thereof, for every twenty words,	2
A copy of any bond taken by any clerk of the superior or inferior courts, by direction of law, and not included in a complete record in such case,	50
A copy of any account, not included in a complete	

record, if it be contained in one page or less, or for recording the same,	35
Recording or copying an account, for every twenty words more than are contained in one page,	2
For an order to advertise an order of survey,	37 1/2
Recording a connexion of surveys, for every survey on such connexion,	16
A copy of a connexion of surveys, for every survey,	16
Recording or making out a complete record, or for a copy thereof, for every twenty words,	2
Recording or copying every paper, not herein otherwise provided for, for every twenty words,	2
Recording a commission, or for issuing the same, to take the relinquishment of a <i>feme covert</i> ,	50
Recording a bond for the conveyance of land, or for a copy thereof,	50
Recording articles of agreement, or for a copy thereof,	1
Filing the papers of each party in any cause,	25
Affixing seal of office, and certificate accompanying same,	50
Each certificate for which no fee is herein specially allowed,	25
Recording every official certificate for which no fee is herein specially allowed,	25
A copy of a caveat, separately from a complete record,	25
A copy of a grant or patent, do.	43
A copy of a plat and certificate, do.	25
A copy of every entry from the commissioners' books, do.	25
A copy of every entry from the surveyors' books, do.	17
Recording the return of a <i>mandamus</i> , or for a copy thereof, for every twenty words,	2

CLERK OF THE GENERAL COURT.

The clerk of the general court shall be allowed to charge the same fees in similar cases, as the clerk of the court of appeals is entitled to.

CLERKS OF THE CIRCUIT COURTS.

For every writ, other than those hereinafter particularly specified, and excepting writs of enquiry, with the endorsements thereon, if any,	25
For a copy thereof, if required and actually made out for the person applying,	15

Entering sheriff's return, or for a copy thereof, if required and actually made out,	12½
Docketting every cause, to be charged but once in any one suit,	8
Entering the appearance of either party, by attorney or in proper person, provided such appearance is actually noted or entered on the order book,	8
Entering special bail in court, and all services relative thereto, or a copy, if required and actually made out,	18
Filing each declaration, plea, replication, rejoinder, and each branch of the pleadings till the issue is made up, except the joinder in issue; also for each demurrer and joinder in demurrer, and noting the same on the order book in open court,	10½
Every order of court in the management of causes, counting the whole entry one order, and not including any entry required by law, for which a fee is specially allowed,	25
For a copy thereof, if applied for and actually made out,	18
Every trial, including the swearing of the jury and witnesses, and recording a general verdict,	75
Every trial, swearing the jury and witnesses, if there is a special verdict, or for a case agreed,	1
Entering every judgment, including all services incident thereto, or for a copy thereof, if applied for and actually made out,	18
Taxing costs in every suit where costs are recovered, or for a copy thereof, if applied for and actually made out,	18
Every <i>scire facias</i> , and recording return thereof,	40
Every execution of <i>capias ad satisfaciendum</i> , <i>fieri facias</i> , or <i>capias pro fine</i> or <i>distringas</i> , on an original judgment, or on a replevin or forthcoming bond, or bond for land or other property sold at three months' credit,	33
Every writ of <i>elegit</i> ,	30
Recording return thereof, for every twenty words,	1½
Copy of an execution and return, when applied for and actually made out,	25
Recording the report of auditors, commissioners, or the award of arbitrators, for every twenty words,	1½
For every order allowing the attendance of witnesses, or allowance to commissioners for valuing im-	

provements and rents, to be charged to the party against whom such order goes, and if more claim at the same time, only the charge for one order is to be allowed,	18
A copy thereof,	15
Issuing every attachment,	18
Injunction bond, or appeal bond, or a <i>certiorari</i> ,	33
A copy thereof, if required and actually made out pursuant to such application,	20
Returning a <i>certiorari</i> ,	25
Filing an appeal.	22½
Recording the acknowledgment of the satisfaction of a judgment,	18
Each summons for a witness or witnesses,	18
If more than one witness is included in one subpoena, the charge on that account shall not be increased.	
Administering an oath in court, not relating to the trial of any cause there depending, and certifying the same,	18
Copying and certifying an account filed, for one page or less,	18
If more than one page, for every twenty words,	1½
Filing every attachment granted by a justice of the peace,	12½
Each summons for a garnishee or garnishees on an attachment,	18
Administering an oath to a garnishee or garnishees,	18
Recording the confession of a garnishee,	15
Subpoena in chancery,	21
Endorsement of an injunction, or issuing an injunction separately,	10
Filing a bill, answer, replication or other pleadings in chancery, and noting the same on record,	10
Order to advertise, or order of survey, including all appendages thereto,	37½
Recording connexions of surveys in surveyors' reports, for every survey, with the references, except town plats.	12½
Copy thereof, each,	6
Recording the report of a surveyor, for every twenty words, (references and notes of explanation excepted.)	1½
A copy of the same, for every twenty words,	1½

	D. C.
A commission to take depositions, when applied for and actually issued,	25
Search for any deed of conveyance, letter of attorney or other writing recorded in the office, if above one year's standing, and reading the same, if no copy is given,	12½
Filing the papers of each party in every cause, other than the process, or pleadings, or depositions, or papers referred to, and profert made thereof in the pleadings, to be charged but once,	18
Affixing the seal of office and certificate accompanying the same.	50
Each official certificate, except such as are attached to copies of papers, or records, or conveyances, or endorsements on papers filed in the office,	25
Recording an official certificate made by any officer or officers on any deed or letter of attorney, except such certificate is introduced into the record of any suit, by agreed case, bill of exceptions, or demurrer to evidence,	25
Copy of petition filed to accompany the summons, and but one to be issued by the clerk for each defendant in the same county,	50
Issuing a summons thereon,	25
Recording the return thereof,	12½
Filing the depositions of each party, to be charged but once, in causes where depositions are actually filed,	15
Entering every decree at large, for every twenty words,	1½
Every writ of <i>de idiota inquirendo</i> ,	25
Recording return thereof, for every twenty words,	1½
Making a complete record, in every cause where required by law, for every twenty words,	1½
Every writ of <i>certiorari</i> ,	35
Making a complete record, and certifying the same, when required and made out for either party, for every twenty words,	1½
Every copy of any paper properly certified, when applied for and actually made, except accounts and other papers herein specially allowed, for every twenty words,	1½
Recording a deed of bargain and sale of lands, made by commissioners pursuant to an order of court, with the certificates thereon, taking the acknow.	

ledgment and making the order of court relative thereto, and certifying the same, for the whole service,

1

For every additional tract of land contained therein, described by its boundaries, and not by its numbers, like town lots,

25

A copy of such deed, three-fourths of the price for recording the same.

The clerks of the circuit courts are allowed, for their public and *ex officio* services, a sum not exceeding forty dollars, annually, to be paid out of the public treasury.

CLERKS OF THE COUNTY COURTS:

For recording and certifying a deed of conveyance of land, taking the acknowledgment and proof thereof, and certifying the same, and recording his own certificate therewith, for the whole service,

1

For recording every certificate from other officers.

25

For every additional tract contained therein, if described by its boundaries, and not by its numbers, as town lots,

25

For a copy thereof, with the certificates, three-fourths of the fee for recording the same.

For making out and transmitting a memorial of any deed,

12½

Issuing a commission for taking the privy examination and acknowledgment of a married woman, and for recording the same, and the return thereof,

75

Taking the relinquishment of the dower or estate of a married woman, and certifying the same,

25

Recording a conveyance of slaves or personal estate, taking the acknowledgment and proof thereof, with orders and certificates, including the whole service,

75

Copy thereof, with certificates,

57

Recording letter of attorney, with certificates, taking the acknowledgment thereof, including the whole service,

50

Copy thereof, with certificates,

50

Recording a bond to convey lands, or articles of agreement, if acknowledged or proved, and required by law to be recorded, with certificates,

50

A certified copy thereof, with certificates,

50

The clerks of the county courts are entitled to the same fees as the clerks of the circuit courts are al-

lowed, for all services of the same nature which they may be compelled to perform by law; and in addition thereto, the following, for those services which exclusively belong to their office, to wit:	
For the probate of any will or testament, and certificate, including all services relating thereto,	33
Recording a will, or inventory, or appraisement, settlements with executors, or administrators, or guardians, or for certified copies thereof, for every twenty words,	2
Administering an oath to an executor, administrator or guardian, and taking bond,	40
Order granting administration, appointment of a guardian, or for appraising an estate,	18
A copy thereof, when required and actually made out,	12½
Certificates of administration, and copy,	25
Ordinary license and bond,	50
Copy of tavern rates,	25
Marriage license, and taking bond,	1
Recording certificates of marriage,	25
Recording or copying depositions taken to perpetuate testimony, for every twenty words,	2
Recording certificate of stray or strays,	20
Copy thereof,	14
Advertising the same,	16
Order to bind out an apprentice,	25
Writing the indenture,	50
Recording the same,	50
Filing an appeal from a justice of the peace, and docketting the same, to be charged but once,	25
Taking the appeal bond,	25
For issuing a writ in the nature of a writ of <i>ad quod damnum</i> ,	50
Recording the report of a jury thereon, for every twenty words,	2
Making record for the establishment of a town, recording the plan thereof, and all other services relating thereto,	3
Copying and certifying the commissioners' books of taxable property, for every line reaching across the page or pages, including the name of the person and the last number of total value,	1
Granting a certificate to the owner of a billiard table that he has paid the tax,	1

	D. C.
Recording or copying every paper not herein otherwise provided for, for every twenty words.	2½
Recording a commission, or for issuing the same, to take the relinquishment of a <i>feme covert</i> ,	66
Recording a bond for the conveyance of land, or for a copy thereof,	66
Recording articles of agreement, or for a copy thereof,	1 33
Filing the papers of each party in any cause,	33
Affixing seal of office and certificate accompanying same,	66
Each certificate for which no fee is herein specially allowed,	33
Recording every official certificate, for which no fee is herein specially allowed,	33
A copy of a caveat, separately from a complete record,	33
A copy of a grant or patent, do.	57
A copy of a plat and certificate, do.	33
A copy of every entry from the commissioners' books, do.	33
A copy of every entry from the surveyors' books, do.	21
Recording the return of a <i>mandamus</i> , or for a copy thereof, for every twenty words,	2½
<i>Fees of the clerk of the district court, in admiralty and maritime causes, to wit :</i>	
For drawing every stipulation, process, monition, or subpoena, for each sheet containing ninety words,	15
And for engrossing each sheet,	10
Entering the return of process,	15
Filing every libel, claim, pleading, or other paper,	6
Copies of the pleadings, interrogatories, depositions and exhibits, when required, for each sheet of ninety words,	10
Entering each proclamation,	15
Entering each default,	12
Entering every rule of court,	15
Examining each witness, and drawing his deposition, for each sheet containing ninety words,	15
Certifying each exhibit, or writing shown to a witness at his examination,	25
Drawing every decree, or decretal order, for each sheet containing ninety words,	15

	D. C.
And for entering the same in the minutes, for each sheet, as aforesaid,	10
For drawing a record, or making a copy of the proceedings, for each sheet containing ninety words,	15
But no pleading, deposition, exhibit, or other writing, to be inserted therein <i>verbatim</i> , or in <i>hæc verba</i> , shall be computed as any part of such draft.	
Entering a record in the register, or engrossing, or copying proceedings or records to be sealed or exemplified, for each sheet of ninety words, including all the pleadings, depositions, exhibits and writing inserted therein,	10
Every certificate,	20
Entering return of appraisement, or sales, for each sheet of ninety words,	10
Affixing the seal to any paper, when required,	25
Drawing commission to examine witnesses, for each sheet containing ninety words,	15
And for engrossing the same, if on parchment, including the parchment,	20
And if on paper, for each sheet of ninety words,	10
Swearing each witness in court,	10
For every entry or writing not mentioned or described, such allowance shall be taxed as for similar services herein mentioned.	
All money deposited in court, one and a quarter per cent.	

SERGEANT OF THE COURT OF APPEALS.

For serving notices on any officer, for each defendant,	62½
For every mile he shall necessarily travel in going to, and returning from serving such notice,	3
Attending the court of appeals and general court, per day, a sum not exceeding	2
Executing process from the court of appeals or general court, the same fees which the sheriffs are entitled to for similar services, and three cents for every mile which he shall necessarily travel in executing such process. If more than one defendant is included, to receive mileage only for the one whose place of residence is most distant from the capitol; and in all cases to be computed from the capitol to the place of residence of the defendant,	

D. C.

unless he shall have been found, and the process executed on him in some place less remote.

A tipstaff, (to be appointed by the sergeant,) for attending either court, per day,

2

SHERIFFS.

For an arrest, bond and return, 62½

Returning a *capias non est inventus*, 21.

Serving any person with an order of court, and making return thereof, 31

Pillorying any person, 41½

Putting into the stocks, 21

Ducking any person, 41½

Putting in prison, and releasement, 41½

Serving a subpoena for a witness in any cause in court, unless summoned in court, 21

Summoning an appraiser, auditor, viewer, or witness to any deed, will or writing, if required to be summoned, but not else, 21

Summoning and empannelling a jury in every cause wherein a jury shall be sworn, 1 4

Removing a debtor, by a *habeas corpus*, from the county jail to any public jail, for every mile, 4½

Executing any condemned person, and all fees incident, 5 21

Summoning a jury upon any inquisition, survey, writ of dower or partition, if the jury appear, 3 12½

And if the jury do not appear, 1 56

Making a return of a writ of dower, partition, or in the nature of an *ad quod damnum*, 1 4½

Every day's attendance upon a jury in the county, after they are sworn, or attendance upon a surveyor, when ordered by the court, 1 4½

Whipping a servant, to be paid by the owner and repaid by the servant, 41½

Whipping a free person by order of court, to be paid by such person, 41½

Whipping a slave by order of court, to be paid by the public, 41½

For serving an execution, if the property be actually sold or the debt paid, or where the sheriff shall have taken bond for the delivery of property, which is not complied with at the day of sale, the sheriff shall be entitled to five per cent. on the first hundred pounds, and two per cent. on all sums above

that; and where he shall have levied an execution and the defendant shall replevy, (or where, under the same circumstances, execution is stopped by injunction, writ of error, supersedeas, or by order of the party for whom it is issued,) the one half of the above commission, to be charged to the plaintiff and put in the replevin bond against the defendant.	
And for taking a replevin or forthcoming bond,	50
For summoning and attending a jury to try the right of property, to be paid by the party cast by the inquest of the jury,	1 50
For serving an attachment upon the goods, exceeding three pounds, if sold, the same fee as for serving an execution.	
Where the goods do not exceed that value, or are not sold,	63
Every garnishee summoned on such attachment,	21
Serving a writ of <i>distringas</i> ,	66
For selling a servant at public outcry, by order of court, and all fees incident,	41 ¹ / ₂
Keeping and providing for a debtor in jail, each day,	21
Keeping and providing for a runaway or criminal in jail, each day, to be paid by the public,	18
All public services of the sheriff, to wit, attending the court of claims and grievances, empannelling grand juries, publishing writs for electing members of the general assembly and attendance, serving all public orders of court, except against guardians, where they shall stand out in contempt, to be charged to such guardians, and all other public and county services, to be levied annually by the justices of the county, a sum not exceeding	40
For summoning a jury under the riotting act, attending upon the trial and conducting the offender to jail,	1 50
Serving any warrant or precept under said act, and summoning witnesses, the same fees as are allowed by law to constables for similar services.	
The sheriff or collector shall receive for seizing and selling any property, in collecting the public revenue or county levy, for all sums under one dollar, 25 cents; and for all sums above one dollar, six per centum in addition thereto—such sums to be detained out of the money arising from the sales of such property; and the same fees for collecting	

clerks' or other officers' fees, as for public taxes and county levies.	
For serving a <i>scire facias</i> ,	50
Serving a subpoena in chancery,	50
Serving a declaration in ejectment, for each defendant,	75
Serving of <i>habere facias seisinam</i> , or <i>habere facias possessionem</i> , for each tenant,	1
Executing an order of sale of attached goods, the same commission as on a <i>feri facias</i> .	
For all expences and trouble in removing and keeping the estate taken by attachment or execution, such allowance (to be taxed as costs) as the court before whom the same is returned shall adjudge and order.	
Serving a <i>capias ad satisfaciendum</i> , if the debt be paid or the plaintiff satisfied, the same commission as for serving a <i>feri facias</i> ; but if the debt be not paid, one half of such commission.	
For procuring a horse, for the purpose of conveying a criminal from one county to another county, for each day such horse shall be kept in said service,	50
For dieting such criminal, for each day,	50
Delivering a copy of petition and summons,	1 12½
Summoning and attending a jury in a case of forcible entry, &c. to be paid by the plaintiff,	4
Summoning witnesses, and other services in such cases, the same fees as are allowed for similar services.	
Summoning a jury to try disturbers of religious worship, attending the trial and conducting the offender to jail,	1 50
Arresting such person,	1
Summoning each witness,	21
To be paid by the defendant, if convicted; if not, by the prosecutor.	
Collecting the county levy, seven and a half per cent.	
Collecting militia fines, nine per cent.	
Collecting fee-bills, ten per cent.	
Serving notices,	25
<i>Services for which they are to be paid out of the Treasury:</i>	
For apprehending a felon,	25
Summoning a venire,	1 50

D. C.

Attending to compare the different polls of elections,
per day;

1

With an allowance for ferriages, and three cents per
mile for travelling to, and returning from the
county in which they meet.

To every person for furnishing a boat for the purpose
of conveying any criminal and guard, the sum al-
lowed for ferriages.

Executing process for contempt,

62½

And for travelling and returning, per mile,

5

To be paid out of the treasury, upon the order of the
court, if the person shall clear the contempt; if
not, to be paid by the person.

Conveying a criminal from his county to any other
county or to the penitentiary, for going and re-
turning, per mile,

12½

Collecting the revenue, seven and a half per cent.

The same fees as jailers are allowed by law, for
similar services by them rendered.

MARSHAL OF THE DISTRICT OF KENTUCKY.

For serving any writ, warrant, attachment or pro-
cess, for each defendant,

2

Travelling, per mile, from the court to the place of
service,

5

If there is more than one defendant, then to be com-
puted from the court to the place of service which
shall be most remote, adding thereto the extra tra-
vel.

Each bail bond,

50

Commitment or discharge of prisoner,

50

Summoning witnesses or appraisers, each,

50

Proclamation in admiralty,

30

Receiving and paying the money, for any sum under
\$ 500, two and a half per cent. ; any larger sum,
one and a quarter per cent. upon the excess ; and
for all other services, such fees as are allowed
sheriffs.

CONSTABLES.

For taking a replevin or forthcoming bond,

25

Levying an execution,

25

And a commission of six per cent. on all sums above
three dollars, which may be contained in the said
execution.

Serving a warrant for debt,	D. C.
Summoning witnesses in any case, each,	25
Serving a peace or search warrant,	12½
Levyng an attachment,	1
Summoning a garnishee,	37½
Carrying a criminal to jail, each mile in going and returning,	25
Taking up a vagrant,	4
Apprehending a person on a charge of felony,	50
No constable shall be entitled to more than half commissions on any execution where the property is replevied, or delivery bond is given and not complied with at the day of sale; but shall be entitled to the commission heretofore allowed by law, in cases where the money is collected.	2
For collecting fee bills, six per cent.	
Whipping a slave by order of a justice, where stripes are the only punishment, to be paid out of the treasury,	41½
Summoning a jury in a civil case,	75
Serving a notice,	25

CORONER.

For taking an inquisition on a dead body, to be paid out of the estate of the deceased, if the same be sufficient, if not, by the county,	6
Summoning a <i>venire</i> ,	2
Attending court, per day,	2
All other business done by him, the same fees as are allowed sheriffs for similar services.	

ELISORS.

For summoning a <i>venire</i> ,	2
Attending court, per day,	2

JUSTICES OF THE PEACE.

For attending to take depositions, per day,	1
Superintending a writ of forcible entry or detainer, per day,	1
Copies of records, in all cases, for every 20 words, where the same is required and actually made out and properly certified,	1½
Issuing a warrant for any sum, in a civil case,	12½
Each original judgment,	12½
Recording such original judgment,	12½

	D. C.
Each execution,	12½
Issuing an attachment,	25
Taking attachment bond,	25
Certifying a record and papers upon an appeal,	50
Issuing a summons for a garnishee,	12½
Issuing a distress warrant for rent,	25
Issuing a peace warrant,	25
Posting a stray, and recording each post note,	25
Where there may be more than one stray of the same kind, posted at the same time, by the same person, the whole shall be included in one post note, and no additional fee shall be charged.	

JAILERS.

For putting in prison and releasement,	41½
Keeping and providing for a debtor in jail, each day,	40
Keeping and providing for a runaway, to be paid by the owner; and keeping and providing for a criminal in jail, each day, to be paid by the public,	37½
In all other cases, the same fees as sheriffs are now allowed by law for similar services.	
The creditor shall not be accountable for the support and maintenance of his debtor in execution, while such debtor avails himself of the benefit of the prison bounds, unless the jailer shall actually furnish the debtor with his boarding and lodging.	
Attending the circuit court, when required, a sum not exceeding one dollar per day, to be paid out of the treasury.	
Keeping jail clean, furnishing fuel, &c. for jail, and ammunition for guards, to be paid by the counties.	

ARBITRATORS.

Each, per day, to be paid jointly by the contending parties,	1 50
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ATTORNEYS AT LAW.

In taxing costs in the several courts in this commonwealth, the following attorneys' fees shall be taxed on all final judgments or decrees where costs are recovered, except in those cases where by particular laws no attorney's fee is directed to be taxed, to wit:

On all decrees where the title or bounds of land shall or may come in question, or on judgments in real

actions, the clerks of the court of appeals, general court and circuit courts, shall tax the sum of	D. 6,
In other cases, the clerk of the court of appeals and general court, shall tax	10
And the circuit court clerks shall, in mixed or personal actions, where the title or bounds of land shall come in question, tax the sum of	5
And in all other cases,	5
	2 50

EXPRESSES.

Per mile, for going and returning, four pence,

GUARDS.

Of a criminal in jail, per day, to be paid by the county, if the jail is insufficient, and if not, out of the treasury,	75
For taking a convict to the penitentiary, per mile; for going and returning,	6
Guarding a prisoner to jail, (the guards furnishing themselves,) per mile,	5

INSPECTORS.

Of tobacco, for each hogshead, to be divided between the inspectors,	75
And exporter to pay, when the same is delivered,	1 25
Of cotton, for each bale,	25
Furnishing materials for baling.	75
Of beef and pork, for packing and branding each barrel, and giving a certificate,	25
Of hemp, for every 12 pounds, three pence.	
Of flour, for every barrel, three pence.	

MEMBERS OF THE LEGISLATURE.

Per day,	2
And two pence for every mile they must necessarily travel in going to and returning from the general assembly, together with their ferriages.	

MILITIA OFFICERS.

Judge advocate, of general, division or brigade court martial, per day,	2
Brigade inspector, per day,	1 50

NOTARIES.

For every attestation, protestation, and all other instruments of publication under his seal of office,	83
Recording the same,	83

PATROLLERS.

The captain, four shillings, and the assistants three shillings, for every twelve hours, to be paid by the county.

PRINTERS.

For publishing an order of publication,	3
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PROCESSIONERS OF LAND.

Per day,	1
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TAXABLE PROPERTY, COMMISSIONERS OF.

Per day, to be paid out of the treasury,	1
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VENIRE MEN,

Per day, to be paid out of the treasury,	1
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WITNESSES.

Per day, for attending before any court, commissioners, referees, upon any survey of land, justice of the peace, or general, division or brigade court martial,	50
Officers of government, attending under a subpoena <i>duces tecum</i> . per day,	1
And "to every person summoned in, and residing out of another county," two pence per mile for travelling to the place of attendance and returning, and ferriages.	

TAXES.

For every hundred dollars contained in the valuation of each individual's land and other property,	64
Non residents' lands, same rate.	
Each share in the Bank of Kentucky,	50

INDIRECT TAXES.

Every covering horse, or jackass, the sum for which
such horse or jack covers one mare the season,

Tavern license,	10
Pedlars,	20
Billiard tables,	500

LAW PROCESS.

On each original writ or subpoena in chancery,	50
On an appeal to the court of appeals,	2
On each writ of error, <i>supersedeas</i> or <i>certiorari</i> , from the court of appeals,	1
On each deed for town lots or lands,	50
On the seal of any county court,	50
On the seal of the commonwealth, when affixed to any writings intended to be sent out of the state,	1

INDEX.

Academies.		
See Seminaries.	[PAGE]	
Administrators.		
Certain property not to be sold by them,	275	
Appeals.		
In what time to be taken to county courts,	303	
What process to issue thereon,	Ib.	
May be continued beyond second term,	Ib.	
Non-resident plaintiffs to give security for costs and appoint an agent,	Ib.	
Proceedings where no agent is appointed,	304	
Allowed on motions to quash proceedings,	Ib.	
Appraisers of Property.		
Their appointment & duty, 415, &c.		
Appropriations.		
General appropriation bill, 445 to	450	
To Paul Durrett,	244	
Louisville Hospital,	288	
Wm Steele, sen. for running state line,	316	
Wm. Steele, jun	317	
Chain carriers and markers,	Ib.	
Common schools,	351	
Transylvania University,	351	
Centre College,	354	
Southern College,	355	
Ambrose Camp,	379	
Luke Munsell,	437	
To improve the road over Muldrough's Hill,	433	
Attachments.		
No costs allowed against garnishee,	262	
Attorneys for the Commonwealth.		
Act of 1820, relative to their appointment, revived,	301	
When salary to commence,	439	
Allowed pay for certain services,	Ib.	
To be appointed in new districts,	298	
Auction Sales.		
See Hospitals.		
Bail.		
When persons may be held to bail, and how discharged,	340	
Banks.		
BANK OF THE COMMONWEALTH.		
Districts not to be affected by change in judicial districts,	298	
Duty of president and directors relative to the Literary Fund,	352	
How profits to be paid over to treasurer,	385	
How capital to be paid in,	Ib.	
Cashier of Princeton Branch to receive money for the sale of public lands,	412	
How same to be transferred to principal bank,	Ib.	
BANK OF KENTUCKY—No further stock to be subscribed on behalf of the state,		275
Qualifications of directors,	302	
Resolutions relative to the policy to be pursued,	409	
INDEPENDENT BANKS, allowed two years to wind up,		409
Farmers and Mechanics' Bank of Shelbyville, commissioners appointed to settle its concerns,	408	
Billiard Tables.		
Taxed \$500, and how collected, &c.	404	
Penalties for evasion how enforced,	404-5-6	
Notes, &c for money lost or won, not recoverable,	406	
Circuit Courts.		
Their power in suppressing billiard tables,	406	

Provisions relative to holding
them in sundry counties, 299, 333
335-72-91

Time of holding, throughout
the state, arranged, 424 to 432

Clerks.

Of county courts, their duties
relative to the debt due the
commonwealth, &c. 338

Duties relative to school dis-
tricts, 353

Of Cumberland and Estill coun-
ties, provision for their bene-
fit, 310

Of Nicholas' circuit court, act
for his benefit, and requiring
him to copy certain books, 365

Clerks of the Legislature.

Their duty relative to the sta-
tionary and furniture belong-
ing to the Legislature, 355

Colleges.

See Appropriations.

Commissioners of Taxable Property.

Duties relative to the debt due
commonwealth, 338

Relative to common schools, 353

Common Schools.

Literary Fund created, 351

How to be distributed, 352

Commissioners appointed to
prepare and report a plan, Ib.

Counties to be laid off into
school districts, Ib

Census of children to be taken, 353

Constables.

May return warrants out of dis-
trict in certain cases, 248

To reside in the district in
which they act, 407

To give information relative to
billiard tables, 406

An additional number allowed
in Madison, Mercer, Fleming,
Pulaski, Franklin, Nelson and
Shelby, 247

In Jefferson, Barren, Washing-
ton, Wayne, Hardin, Cald-
well, Lincoln, Scott, Frank-
lin, Grayson and Harrison, 407-8

Another district may be made
in Washington, 408

Costs.

Not allowed against garnishee, 262

Non resident plaintiffs to give
security for costs before jus-
tices and in county courts, 303

Counties.

Lawrence county formed, 332, &c.

Pike county formed, 371, &c.

Hickman county formed, 390, &c.

Graves, Calloway and McCrac-
kin counties to be taken off
from Hickman, 392-3

Perry county, seat of justice to
be fixed, 280

How to vote for senator and re-
presentative, 283

Owen county, seat of justice to
be removed, 288

Logan county, a part thereof
added to Todd, 306

Grant, Boone, Campbell, Pen-
dleton and Gallatin, line be-
tween them to be run, 359

Henderson and Union, line be-
tween them to be run, 360

Trigg county, how seat of jus-
tice may be removed, 441, &c.

Madison county, part added to
Rockcastle, 444

County Courts.

Their powers in cases of ap-
peals, 303

To lay off counties into school
districts, 352

May erect poor houses, 385, &c.

Their duty relative to billiard
tables, 404, &c.

To appoint appraisers of prop-
erty, 416

Restricted in laying their levies
and letting out the erection of
public buildings, 443

Duties, in sundry counties, rela-
tive to the appointment of
additional constables, 247

Of Nelson, part of act repealed,
levy and proceedings legaliz-
ed, 259, 328

Of Bourbon, duty relative to a
certain road, 263

Of Henry, allowed time to re-
turn lists of taxable property, 246

Of Floyd, proceedings legalized, 293

Of Woodford, allowed time to appoint commissioners,	301
Of Henderson, may sell part of public square,	311
Of Washington, may lay off another constable's district,	408
Of Trigg, duty relative to their seat of justice,	441, &c
Of Hickman, when held,	390, 438
Of Pike, when held,	373, 429
Of Lawrence, when held,	333, 430
Of Greenup, when held,	335, 432
Of Franklin and Shelby, when held,	426
Generally, when held, except Bourbon, Henry, Todd, Bullitt, Woodford, Warren and Jefferson,	432

County Levies.

Limited,	443
Debt due the Commonwealth.	
Its payment further regulated,	248
Amount, how to be ascertained,	338

Decrees and Orders of Sale.

See Executions.

Delivery Bonds.

May be given for personal property,	417
Proceedings thereon,	417-18

Digest of the Statute Law.

Judges of the court of appeals to examine it, &c.	314-15
Duty of secretary of state,	Ib
Contents of Digest,	315
To whom copies to be distributed,	Ib.
How copies disposed of on officers' going out of office,	316

Divorces.

Of William Spangler and Elizabeth Wells,	286
Of Esther Holder, Margaret Stewart, Fielding Alford, Sally Stroud, Debe Jinnons, Fine Rynearson, Rosanna Patrick, Lydia Goad, John Hornback, Matilda Hensley, Nancy M'Hatton, Charlotte Harrison, Peggy Grinning, Polly Parker and William Digby,	381-2
Of Abigail Birdwell, Samuel	

Howard, Nancy Fletcher, and Polly Chambers,	400-1
Of Rebecca Thompson,	445

Duelling.

Amendment of the law for its suppression,	286
---	-----

Election Precincts.

Established in Bourbon, Floyd, Trigg and Harrison counties,	277-8-9
In Perry county,	282
Eastern precinct in Hardin, elections where held,	249
Eagle precinct in Gallatin, place of elections changed,	324
Walnut Grove precinct in Mercer, place of elections changed,	325

Endorsements.

See Executions.

Entry Books.

In Woodford, provision relative to transcribing,	301
--	-----

Executions.

The ca. sa. abolished,	340
How persons confined to be released,	341
Certain interests subjected to execution,	Ib.
May be redeemed,	342
Writ of possession, when to be awarded,	343
Tenant liable for waste,	Ib.
Equitable interests, choses in action, &c. &c. how sold for debt,	Ib.
Endorsement laws applicable to decrees and orders of sale,	415
Property taken under execution to be appraised,	Ib.
When not to be sold except by consent,	416
Defendant may retain possession of chattels levied on, by giving delivery bond,	417
Property not sold, returned to defendant,	418
Property decreed to be sold under trust, &c. subject to be valued, &c.	419
Where first property appraised does not sell, other property may be levied on,	Ib.

If endorsement be made, no appraisal required, 419
 Equitable interests, &c. not subject to appraisal, 420
 Two years' replevy retained, 1b

Fees.

See Appendix, 473, &c.

Fines.

For horse-racing on the highways, 299

General Court.

When and by whom to be held, 426

Government House.

Certain repairs authorised, 437-8

Habeas Corpus.

Writs of, returnable before justices of the peace, 263

Officers' fees thereon, 264

Horse Racing.

Prohibited on public highways 299

Hospitals.

Appropriation to Louisville, 288

Tax on auctions in Jefferson to support it, 348

Duty of its managers, 350

Imprisonment for Debt.

Abolished, 240

Inspections.

Of tobacco and flour at Sinking creek, 440

Iron Banks.

Law establishing a town thereof amended, 363

Money received in sale of lots, how disposed of, 364

Judges.

Of court of appeals, certain duties, &c. 314

Of 13th district, allowed time to move into same, 244

To be appointed in new districts, 298

Judicial Districts.

Regulated and increased, 297, &c.

Lawrence and Pike counties added to 11th district, 333, 372

Hickman county added to 7th district, 391

Justices of the Peace.

Their duty as to writs of habeas corpus, 263

As to billiard tables, 403, &c.

Recognition of delivery bonds in certain cases, 417

Additional number allowed to Hardin, Mercer, Perry, Harrison, Bath, Wayne, Grayson and Casey counties, 246

To Madison and Rockcastle counties, 323

Keeper of the State House.

His duty relative to the stationary and furniture belonging to the legislature, 255

Land Warrants.

Restriction on the location of sundry, 312

Lands West of Tennessee.

Divided into counties, 390, &c.

A portion thereof to be sold, and minimum price, 410

Register's duty at the sale, 409, &c.

To whom purchase money to be paid, 410

Penalty on purchaser failing to pay, 411

In what case purchase money to be refunded, 413

Land covered by military claims not to be sold, 414

Provision for protection of settlers, 1b.

Purchaser's possession, 413

Lexington Medical Society.

Incorporated, 420-21

Their constitution, 422

Libraries.

Act incorporating Lexington Library Company, amended, 332

Literary Fund.

See Common Schools.

Militia.

Company masters and brigade drills, 344

Fines, 344-5

Courts martial and of assessment, 344

Court of appeals, 345

Certain companies exempted from mustering, 1b.

Boater of tours of duty dispens- 345
ed with.
General court of enquiry, 345, &c.
Officers may appoint regimen-
tal collectors, 435

Military Claims.

Law for surveying, amended,
and further time given, 284

Navigation.

Floyd's Fork declared naviga- 243
ble,
North Fork of Kentucky, 258
Station Camp creek, 259
Big Barren, 286
Cabin creek, 380
Commissioners appointed to ex-
amine Rockcastle river, 401

Newspapers.

Glasgow Chronicle may insert 243
certain advertisements,
Kentucky Intelligencer, Ib
Emporium and Commercial Ad- 253
vertiser,
Republican Orbit, 260
Kentucky Patriot and Spring- 269
field Literary Register,
Republican Centinel, Ib

Occupying Claimant Laws.

Preamble and resolutions con- 456, &c.
cerning,

Penitentiary.

Keeper may build a smoke- 293
house,

Perjury.

False swearing under law tax- 349
ing auctions, &c.

Plats and Certificates of Sur- vey.

Further time to return on Tel- 347
lico surveys,
Also on commissioners' and
county court certificates, 348

Poor Houses.

May be erected by county 385
courts,
Regulations for their manage- 386-7
ment,

Prison Bounds.

Extended to the limits of the 396
counties,

Private Acts.

Allen William, for the benefit 359
of his heirs,
Anderson John, for the benefit 321
of his widow and heirs,
Bristoe James, for the benefit 358
of his heirs,
Camp Ambrose, for his benefit, 379
Carstarphen Elizabeth, for her
relief, 399
Carter Abraham, for the benefit
of his heirs, 317
Chism George, for the benefit
of his widow and heirs, 318
Chitwood John R for the bene-
fit of his widow and heirs, 337
Claghorn Robert, for his bene-
fit, 401
Clark Richard, for his benefit, 326
Clifton Henry, for the benefit of
his widow and heirs 398
Cotrel John and others for their
benefit, 306
Craig Andrew, for his relief, 389
Crawford Joseph, for his bene-
fit, 400
Curswell Samuel, for his bene-
fit, 326
Curtis Samuel, for his benefit, 308
Davenport Elizabeth, for her
benefit, 368
Dewitt Elisha, for the benefit of
his heirs, 403
Dougherty Jane, for her benefit, 398
Dunbar Alexander, part of his
estate to be sold, 333
Durrett Paul, for his benefit, 244
English Elijah, venue in his
case changed, 355
Garth Nancy, for her relief, 287
Griffin Solomon, for his benefit, 263
Hager Christian, may act for his
children, 336
Hardin Susanna, for her benefit, 308
Hawkins Martin, for the benefit
of his widow and heirs, 397
Henderson Sally, for her bene-
fit, 254
Herndon Benjamin, for the be-
nefit of his wife and children, 273
Howdyshelt Isaac, for the bene-
fit of his widow and heirs, 252
Irvine Betsey, how act for her
benefit to be executed, 403
Irvine David C. for the benefit
of his heirs, 268
Keizer John, Lucy and Aman.

da, property may be sold,	388
Kinhead William, for the benefit of his legatees,	436
Kirkham Samuel, for his benefit,	309
Langford Henry S. for his benefit,	361
Lewis Samuel, for his benefit,	335
Marshall Archibald, for the benefit of his heirs,	368
Martin Polly, for her benefit,	323
M'Casland Mary, for her benefit,	272
M'Knight James, for the benefit of his heirs,	326
Morehead Turner, for the benefit of his heirs,	264
Morris Edward, his estate may be sold,	388
Morrison Joel, for his benefit,	324
Mullens Champ. for his benefit,	367
Munsell Luke, for his benefit,	437
Owen Lawrence, for the benefit of his heirs,	265
Parker Polly and children, for their benefit,	311
Power Polly, her marriage legalized,	300
Prewitt Mary, for her benefit.	350
Prewitt William, for his benefit,	308
Razor Isabella, disposition of her estate,	388
Rice Patrick H. for the benefit of his heirs,	294
Robins Roger, for the benefit of his heirs,	267
Rossel Stephen, for the benefit of his heirs,	309
Sanders Gulvin, for his relief.	367
Shannon William, for the benefit of his heirs,	357
Simpson Polly and children, for their benefit,	260
Simpson Samuel, for his benefit,	307
Smith Catherine, for her benefit,	261
Tarascon John A. for his benefit,	253
Trabue & Co. act for their benefit amended,	302
Walker Jesse for his benefit.	285
Walker Jesse and others, for their benefit,	305
Walker Richard L. & N. Harris, may build mill-dam on Kough creek,	261
Watkins James, for the benefit of his heirs,	402

Watson Margaret, for her benefit,	256
Watts, Peter and John Curd's heirs, for their benefit,	396
Wax Henry E. part of his estate may be sold,	339
Weatherspoon Hardy, for his benefit,	274
White John, for his benefit.	253
Wilhoit Ansel, for his benefit,	269
Willett John, for the benefit of his widow and heirs,	366

Public Buildings.

How their erection to be contracted for,	443
Agreements otherwise made, void,	444

Register.

May add governor's name to certain grants,	319
May affix seal to certain deeds,	320

Religion.

Regulation of the house of public worship on the public square,	374
---	-----

Rivers.

See Navigation.

Roads.

To be opened through part of Bourbon county,	265
From Danville to state line to be opened,	369, &c.
Duty of the courts of the counties through which the road may pass,	370
From Lexington to Nashville, appropriation for its improvement,	433, &c.

Salaries:

Of the officers of government,	473
--------------------------------	-----

Seminaries.

A seminary established in Hart county,	249, &c.
Monroe seminary, trustees added,	276
Perry seminary, trustees added,	1b.
Jefferson seminary, trustees reduced,	1b.
Simpson seminary, trustees appointed. &c	1b.
Rockcastle seminary, trustees appointed, &c.	313

Liberty academy, trustees may sell lands, &c.	314
Bath seminary regulated,	328
Holman seminary, lands may be sold,	362
Union academy, trustees may sell lands,	383

Settlers.

Tellico settlers further indulged,	248
Green river settlers further indulged,	248
West of the Tennessee, provision for their benefit,	414

Sergeant of the Court of

Appeals.

Further time allowed to pay over certain moneys,	440
--	-----

Sheriffs.

Their duty relative to billiard tables,	406
Of Monroe, acts for his benefit,	259, 284
Of Green, act for his relief,	284
Of Caldwell, act for his benefit,	292
Of Floyd, allowed time, &c.	293
Of Jessamine, provision for his relief,	296
Of Livingston, provision for his relief,	297
Of Shelby, act for his relief,	325
Of Wayne, provision for his benefit,	331
Of Campbell, provision for his benefit,	Ib.
Of Warren, provision for his relief,	383
Of Greenup, provision for his relief,	384

State Line.

Established between Kentucky and Tennessee,	266
Compensation of surveyor and others,	316-17

Strays.

May be taken up by keepers of turnpike gates,	295
---	-----

Surveyors.

Of Casey, provision for his benefit,	310
Of Bourbon, act for his relief,	438

Towns.

Bardstown, real estate sold for tax, redeemable,	395
Boonsborough, trustees appointed, &c.	271, &c.
Carlisle, additional powers of trustees,	375, &c.
Claysville,	320
Columbus, act concerning amended,	363
Falmouth, vacancies in board of trustees, how filled	440
Heslersville, public ground to revert to former owner,	292
Jeffersontown, lots sold for tax redeemable,	382
Madisonville, boundaries thereof,	283
Marysville, name changed to Claysville,	320
Middletown, how taxes to be levied,	Ib.
Morganfield, its boundaries defined,	257
North Middletown, when to elect trustees,	284
Princeton, boundary, power of trustees, &c.	312
Springfield election of trustees therein,	245
Out-lots subjected to town regulations,	379

Transylvania University.

Appropriation thereto,	353
Additional trustees,	354
The duties of trustees,	Ib.

Turnpikes.

People of Whitley exempted from toll,	245
---------------------------------------	-----

Venire Men.

Certificates for their services receivable in taxes,	322
--	-----

Warrants.

When may be returned out of constable's district,	248
---	-----

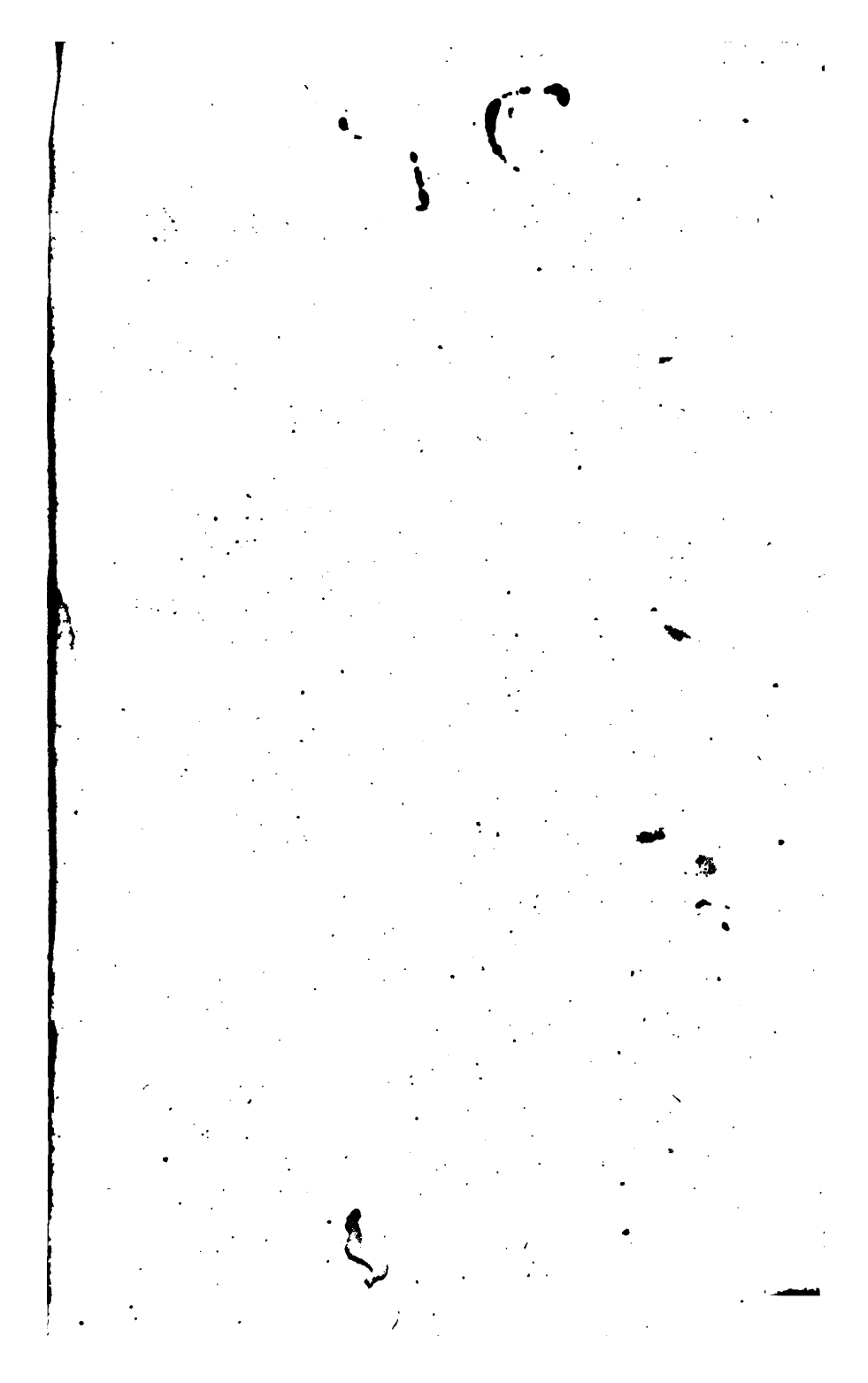
Witnesses.

In criminal cases, certificates for their services receivable for taxes,	322
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